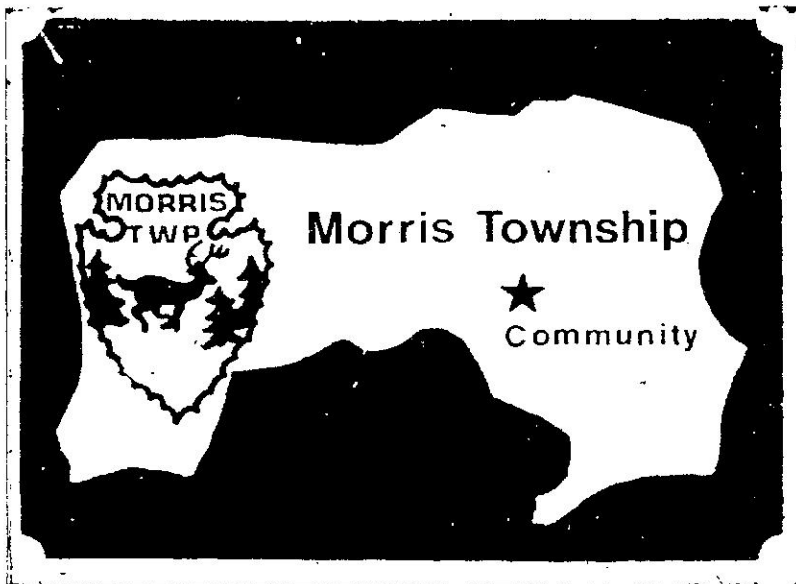


June 4, 1973

Zoning Ordinance No. 1

For

Morris Township



Washington County, Penna.

ZONING ORDINANCE NO. 1
MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE adopted for the purpose of promoting, protecting and facilitating the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water and sewerage, schools, public grounds and other public requirements as well as to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic and other dangers.

To accomplish these stated purposes, this Ordinance regulates the location and the use of structures and land for residences, business, industry, and other purposes; regulates the location and height of structures, size of yards and other open spaces, automobile parking and the density of population; provides a method of administration by establishing a Zoning Hearing Board, creating the position of Zoning Officer, and prescribing duties and powers of officials; and prescribing penalties for violations.

WHEREAS It is the finding of the Board of Supervisors that this Ordinance is in accordance with the spirit and intent of the Comprehensive Plan for the Township, now therefore,

BE IT HEREBY ORDAINED by the Township Supervisors of the Township of Morris, Washington County, Commonwealth of Pennsylvania.

ARTICLE ONE:
BASIC PROVISIONS

- 101 TITLE: This Ordinance may be cited as "Morris Township Zoning Ordinance".
- 102 EFFECTIVE DATE: This Ordinance shall take effect JUNE 4, 1973.
- 103 DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article Six.

- 104 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan under the heading, "COMMUNITY DEVELOPMENT OBJECTIVES". These objectives, adopted as a part of the Comprehensive Plan and any subsequent amendments thereto, shall be interpreted in light of the evolutionary nature of future planning.
- 105 ZONING MAP: A map entitled "Morris Township Zoning Map" is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the office of the Secretary or at the Municipal Building.
- 106 COMPLIANCE: No structure exceeding \$5,000 in value shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.
- 107 SEVERABILITY: If any provision or section of this Ordinance or the application of any provision or section to particular circumstances is held invalid, unenforceable or unconstitutional, the remainder of the Ordinance or the application of such provision or section to other circumstances shall not be affected.
- 108 INTERPRETATION: This Ordinance is to be construed strictly with a view toward effectuating the purpose set out herein.
- 109 REPEAL: All Ordinances in conflict herewith are hereby repealed.
- 110 CONFLICT: If under any circumstances the standards and regulations established in this Ordinance are or come into conflict with the standards and regulations of the Subdivision and Land Development Ordinance in effect in Morris Township, the standards and regulations in the Zoning Ordinance shall prevail.

ARTICLE TWO:
DISTRICT REGULATIONS

- 201 ZONING DISTRICTS: The municipality is divided into the districts stated on the Table attached to the end of the Ordinance and as shown by the district boundaries on the Zoning Map.
- 202 DISTRICT BOUNDARIES: District boundaries shown on the lines of roads, streams, and transportation rights of way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance and the Comprehensive Development Plan.
- 203 PERMITTED USES: The permitted uses for each district are shown on the Table attached to the end of this Ordinance. Uses not specifically listed shall not be permitted.
- 204 CONDITIONAL USES: The Governing Body may authorize conditional uses as specified in the Table attached to the end of this Ordinance if all conditions and provisions of Article Four are met.
- 205 HEIGHT REGULATIONS: No structure shall exceed 35 feet in height above average ground level unless approved by the Zoning Hearing Board. The Board may authorize a relaxation of the height regulations in any district if:
- 205.1 All front, side, and rear yard depths are increased one foot for each additional foot of height; or
- 205.2 The structure is any of the following and does not constitute a hazard to an established airport: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, towers and spires, chimneys, elevator bulkheads, smokestacks, stage towers and scenery lofts, cooling towers, ornamental conveyors, and flagpoles.
- 206 LOT AND YARD REQUIREMENTS: The minimum lot area, minimum width of lot, minimum depth of front yard, and minimum width of each side yard for each district shall be as shown on the Table attached.

206.1 Lots which abut on more than one street shall provide the required front yards along every street.

206.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

206.3 Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Ordinance.

206.4 Non-Residential structures or uses abutting, but not located in "A" or "R" Districts, shall not be located or conducted closer to any lot line of any other lot in any "A" or "R" District than the distance specified in the following schedule:

| <u>Minimum Side or Rear Yard Abutting any Lot in any "A" or "R" District</u> | <u>USE</u> |
|--|---|
| 20 Feet | Off-street parking spaces and access drives for non-residential uses. |
| 40 Feet | Churches, schools and public or semi-public structures. |
| 70 Feet | Recreation and entertainment facilities and all business and industrial uses. |

ARTICLE THREE:
GENERAL REGULATIONS

301 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses:

301.1 A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

301.2 The Zoning Officer shall identify and register all non-conforming uses as required by law. A zoning certificate shall then be issued to the owner of said use or structure.

301.3 Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty, provided that the use thereof shall not be changed.

301.4 In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed.

301.5 An application for ~~enforcement~~, enlargement or extension of a non-conforming use shall be submitted to the Zoning Hearing Board for public hearing with at least seven days' public notice of the date of hearing.

302 ACCESSORY USES: The following provisions shall apply to accessory uses:

302.1 Accessory farm buildings shall not be erected within 100 feet of a neighboring property.

a. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of a neighboring property.

b. Roadside stands for sale of home-grown fruits and vegetables shall be permitted if they are erected at least 30 feet off the road and parking space is provided off the road.

302.2 The exterior storage of not more than one motor vehicle which does not have a current inspection sticker shall be considered an accessory use, but two or more shall constitute an auto salvage business and shall not be permitted as an accessory use.

302.3 Swimming pools shall comply with side, set back and rear yard requirements. A permit shall be required for each pool which is permanent in construction, whether or not composed of concrete or similar substance, and it shall be enclosed by a fence at least four feet high to prevent uncontrolled access by small children.

303 SPECIAL EXCEPTIONS: The following uses may be authorized with such conditions as are deemed appropriate by the Zoning Hearing Board.

303.1 Living quarters in an accessory structure as an accessory use to a single-family house to accommodate relatives or employees of the residents of the principal building.

303.2 The accommodation of not more than two non-transient roomers as an accessory use to a single-family house provided that no sign is displayed.

303.3 Directional signs of a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.

303.4 Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period.

304 SIGNS: No sign, billboard, or graphic display shall be permitted in any district except as herein provided.

304.1 In any district a sign not exceeding three square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

304.2 A bulletin board not exceeding twenty-four square feet is permitted in connection with any church, school or similar public structure.

304.3 A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

304.4 Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.

a. Signs shall not contain information or advertising for any product not sold on the premises.

b. Signs shall not have a combined aggregate surface size greater than five square feet for each foot of width of the principal structure on the premises.

c. Signs shall not project over public rights-of-way.

d. Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

305 OFF-STREET PARKING: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged.

| <u>USE</u> | <u>PARKING SPACES REQUIRED</u> |
|--|--|
| Dwelling | Two for each dwelling unit. |
| Church, Theatre, School. | One for every four seats in largest meeting room. |
| Stores, Shops, Restaurants, Clubs, Funeral Homes. | One for every 100 square feet of public floor space. |
| Business Services, Warehouses, Professional Offices. | One for every 250 square feet of net floor area. |
| Manufacturing Plants. | One for every two employees. |
| Hospitals. | One for every two beds. |
| Motels. | One for every rental unit. |

305.1 No off-street parking space shall have an area less than 200 square feet exclusive of access drives.

305.2 Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

305.3 Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

306 OFF-STREET LOADING: One off-street loading berth of not less than 35 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

307 ENVIRONMENTAL PROTECTION REQUIREMENTS: The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as surface mining State Highway construction, and the like may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that appropriate municipal review agencies are satisfied that the spirit and intent of the Zoning Ordinance is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

307.1 No cut or fill grade shall exceed a slope of 3/1 or 33 1/3 per cent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts or fills on land naturally exceeding 3/1 in slope.

307.2 All lands, greater than 10/1 slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

307.3 No cutting or filling of land is permissible within 50 feet of the centerline of natural drainage courses except as permitted by action of the Zoning Hearing Board. Normal

farming operations are excepted. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

307.4 Any earth-moving activity shall also comply with the Erosion and Sedimentation Control Amendment to the Pennsylvania Clean Streams Law of 1937, P.L. 1987 and P.L. 177.

ARTICLE FOUR:
CONDITIONAL USES

- 401 GENERAL: Conditional Uses as specified on the attached Zoning District Table may be allowed or denied by the Governing Body after recommendations by the Planning Commission in accordance with the following criteria and provisions.
- 402 APPLICATION: Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:
- 402.1 An application fee in an amount equal to that set by Resolution of the Governing Body.
- 402.2 Five copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles, and the timing of construction proposed. The provision of Section 109 to the contrary notwithstanding, if land is being subdivided, the applicant must meet all the provisions of the then current Subdivision Regulations and Ordinances.
- 403 REVIEW: The Zoning Officer shall forward copies of the Application to the Governing Body and to the Planning Commission for review and approval.
- 403.1 The Planning Commission shall forward its recommendation within 40 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.
- 403.2 The Governing Body may attach such conditions as they deem necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be recorded by the petitioner within thirty (30) days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

404 CRITERIA FOR APPROVAL: A conditional use shall be approved if, and only if, it is found to meet the following criteria:

404.1 The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

404.2 The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Article.

404.3 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of Section 405.

404.4 The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

404.5 The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

404.6 The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Traffic volumes in excess of the capacity and condition of adjacent roads shall be accommodated.

404.7 The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

405 PERFORMANCE STANDARDS: All conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Governing Body may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

405.1 Fire Protection: Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

405.2 Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

405.3 Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

405.4 Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

405.5 Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

405.6 Air Pollution: No pollution of air by flyash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

405.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

405.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

405.9 Water Pollution: Water pollution shall be subject to the standards established by the State Sanitary Water Board.

ARTICLE FIVE:
ADMINISTRATION AND ENFORCEMENT

- 501 ZONING OFFICER: The Zoning Officer, who shall be appointed by the Governing Body shall:
- 501.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
 - 501.2 Issue Zoning Certificates and Certificates of Occupancy.
 - 501.3 Maintain a permanent file of all Zoning Certificates and applications as public records.
- 502 ZONING CERTIFICATES: A Zoning Certificate shall be obtained before any person may:
- 502.1 Occupy or use any vacant land; or
 - 502.2 Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or
 - 502.3 Change the use of a structure or land to a different use; or
 - 502.4 Change a non-conforming use.
 - 502.5 Applications for a Zoning Certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee in accordance with a schedule annually affixed by resolution of the Board of Supervisors.
 - 502.6 If any activity or construction authorized by the Zoning Certificate has not been started within six (6) months from the date of issuance, a new Zoning Certificate shall be required.
- 503 CERTIFICATE OF OCCUPANCY: Prior to occupancy of land or structure for which a Zoning Certificate was obtained, a Certificate of Occupancy must be obtained to insure full compliance with terms of the Zoning Certificate.

- 504 ENFORCEMENT PENALTIES: Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense.
- 505 ENFORCEMENT REMEDIES: In case any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, and maintained or used in violation of this Ordinance, the Governing Body, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
- 506 AMENDMENTS: The Governing Body may amend this Ordinance as proposed by a member of the Governing Body, by the Planning Commission, or by a petition of a person residing or owning property within the municipality in accordance with the following provisions.
- 506.1 Petitions for amendment shall be filed with the Planning Commission, and the Petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Governing Body and to the petitioner. The proposed amendment shall be introduced before the Governing Body only if a member of the Governing Body elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the municipality.
- 506.2 Any proposed amendment introduced by a member of the Governing Body without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review at least thirty (30) days prior to public hearing by the municipality.
- 506.3 Before voting on the enactment of an amendment, the Governing Body shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon

an amendment the proposed amendment is revised or further revised to include land previously not affected by it, the Governing Body shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

- 507 ZONING HEARING BOARD: In accordance with law, the Governing Body shall appoint and organize a Zoning Hearing Board, which Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and obligations specifically granted by law.

ARTICLE SIX:
DEFINITIONS

601 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural, the singular. The word "shall" is mandatory and not permissive.

601.1 Accessory Uses: A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

601.2 Agriculture: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

601.3 Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

601.4 Governing Body: The Township Supervisors, Morris Township, Washington County, Pennsylvania.

601.5 Clinic: Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.

601.6 Conditional Use: A specific exception to the standard regulations of this Ordinance which requires approval by the Governing Body under terms and procedures and with conditions prescribed herein.

601.7 Dwelling Unit: One (1) or more living or sleeping rooms with cooking and sanitary facilities for one (1) person or one (1) family. A travel trailer, shack, or similar makeshift abode shall not be interpreted to be a dwelling unit.

601.8 Planning Commission: The duly appointed Planning Commission of the Township of Morris.

- 601.9 Family: Either an individual, or two (2) or more persons related by blood or marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof or a group of not more than three (3) persons who need not be related, who are living together in a single dwelling unit and maintaining a common household.
- 601.10 Front Yard Depth: The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.
- 601.11 Lot: A parcel of land occupied or capable of being occupied by one or more structures.
- 601.12 Lot of Record: Any lot which individually or as a part of a subdivision, has been recorded in the Office of Recorder of Deeds of the County.
- 601.13 Lot, Depth of: A mean horizontal distance between the front and rear lot lines.
- 601.14 Lot, Minimum Area of: The horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
- 601.15 Lot, Width of: The mean width measured at right angles to its depth.
- 601.16 Non-Conforming Use: A non-conforming use is any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.
- 601.17 Rear Yard Depth: The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.
- 601.18 Side Yard Width: The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.
- 601.19 Sign: Any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panels) designed to carry the above visual information.

601.20 Structure: Anything constructed or erected or applied, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features but not including sidewalks, drives, fences and patios.

601.21 Supply Yard: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

601.22 Planned Residential Development: An area of land, controlled by the landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lots size, bulk or type of buildings, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of the municipal zoning ordinance. A mobile home park as defined in paragraph 601.23 shall not be interpreted to be a planned residential development.

601.23 Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

TABLE 201--MORRIS TOWNSHIP

| | A-1 AGRICULTURAL | R-1 RESIDENTIAL | B-1 BUSINESS |
|-------------------------------|---|---|---|
| PERMITTED USES | Agriculture Open Land Recreation Parks, Schools, Churches Single-Family Dwelling | Single-Family Dwelling Parks, Schools, Churches Agriculture Accessory Uses | Retail Stores Service Shops Eating & Drinking Places Theatres, Bowling Alleys Offices Banks Auto Sales and Repair Gas Stations Motels Commercial Recreation Commercial Schools Hospitals and Clinics Public Buildings Parks, Schools, Churches Agriculture Public Utility Structures Accessory Uses |
| CONDITIONAL USES | Planned Residential Development Mobile Home Park Rest Home Clinic Public Utility Structure Airport Public Building | Planned Residential Development Clinic Public Utility Structure Public Building Cemeteries Mobile Home Park | Multiple Dwellings Shopping Centers Wholesale Business Research Laboratories |
| MINIMUM LOT AREA (sewered) | 1 acre | 21,000 square feet* | 20,000 square feet* |
| (unsewered) | 1 acre † | 1 acre † | 1 acre † |
| WIDTH | 150 feet | 75 feet | 100 feet |
| FRONT YARD | 50 feet | 30 feet | 50 feet |
| SIDE YARD | 30 feet | 15 feet | 20 feet |
| REAR YARD | 50 feet | 35 feet | 50 feet |

*Minimum Lot Area/Family 3,000 square feet for two-family and multi-family dwelling units.

†These minimum requirements may be reduced to the "sewered lot area" upon the recommendation of the State or municipal health authority having jurisdiction in cases where percolation tests are conducted or other evidence is submitted to demonstrate that sewage can be disposed of safely on smaller lots.

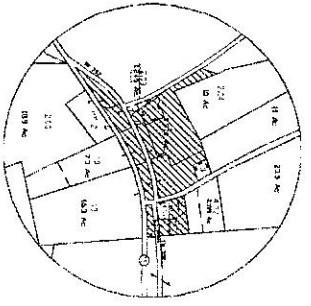
Effective
This Ordinance shall become five (5) days
after enactment

ORDAINED AND ENACTED INTO AN
ORDINANCE THIS 4th DAY OF JUNE 1973

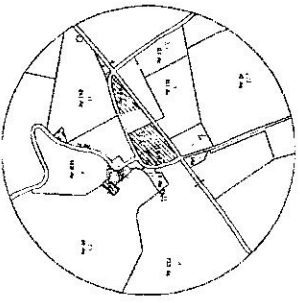
Attest

Herschel A. Sprouts
TOWNSHIP SECRETARY

President of Township Supervisors
Robert Gene Conklin
President of Township Supv

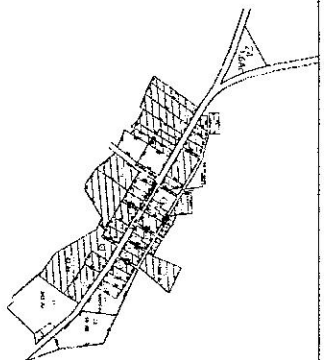
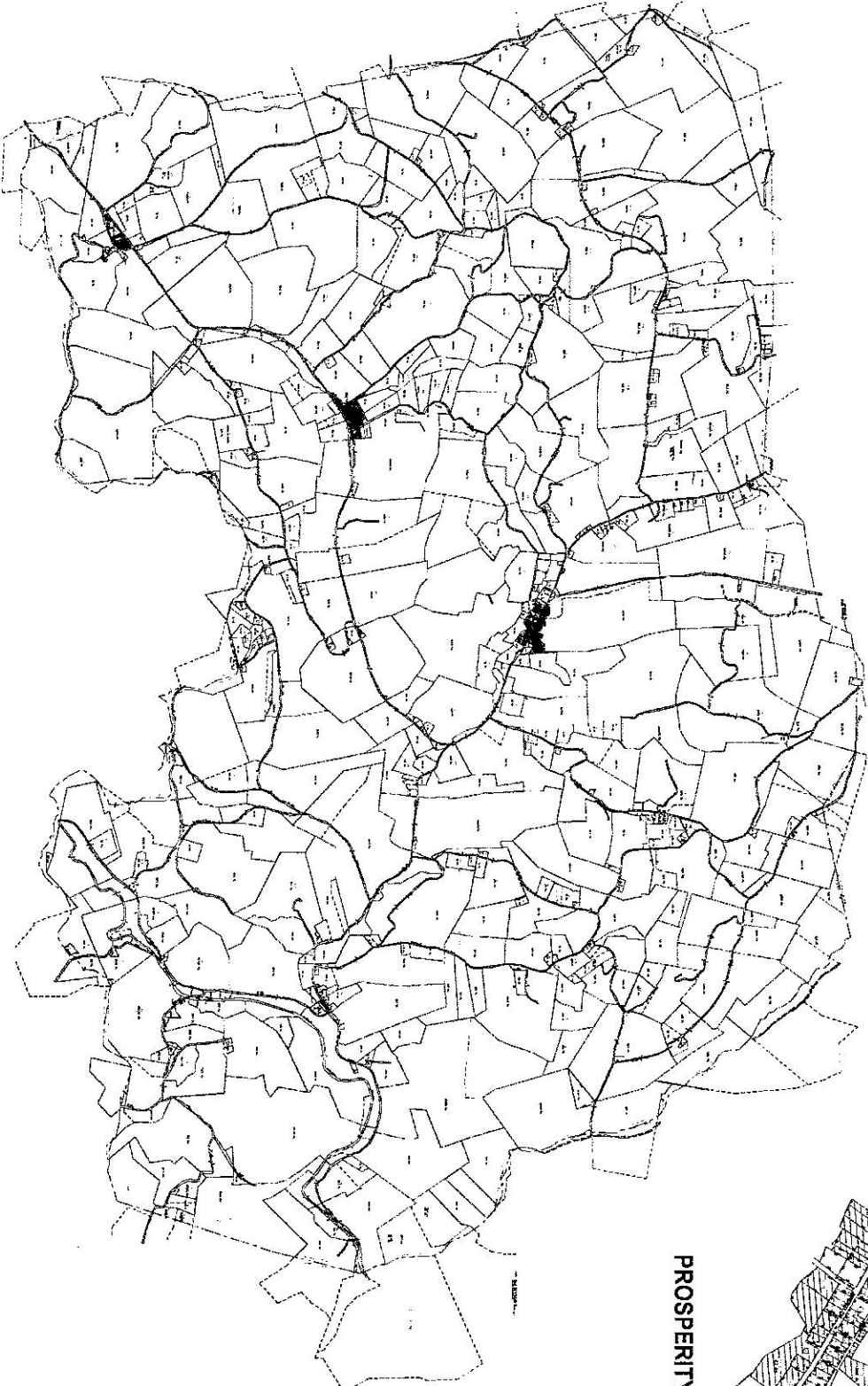


SPARTA



OLD CONCORD

NOT TO SCALE



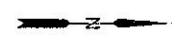
PROSPERITY



PREPARED BY:
**MORRIS TOWNSHIP,
WASHINGTON COUNTY,
PENNSYLVANIA**

ZONING MAP

- AGRICULTURAL
A-1
- RESIDENTIAL
R-1
- BUSINESS
B-1



Prosperity Pa.
Dec. 20 1967

Ordinance No 2

An Ordinance prohibiting and declaring the storing accumulating or abandoning of junked motor vehicles upon public or private property in the Township of Morris is a nuisance and declaring the same to be unlawful; providing for notice to the owner, possessor or lessee of the real estate to remove the same; providing relief, fines and penalties for violation thereof

It is Her by enacted and ordained by the Board of Road Supervisors of Morris Township, Washington County, Pennsylvania as follows

Section 1 Definition

"Motor Vehicle"- Any automobile, truck motorcycle or any other motor power driven vehicle.

"Storing or Accumulating"- Any keeping, storing or possession, whether separately or in Bulk, except when stored within a building

"Junked Motor Vehicle" One that can not move under its own power, nor can it operate without substantial repairs.

Section 2

The storage accumulation or abandonment of any junked motor vehicle on any public or private property is hereby declared to be a nuisance.

Section 3

It shall be unlawful for any owner of a junked motor vehicle, or any owner, possessor or lessee of real estate to permit cause or allow the storage or accumulation of abandoned or junked motor vehicles upon public or private real estate of another, or upon real estate in his control, ownership or possession.

Section 4

Upon any violation of this Ordinance, the Secretary of the Board of Township Road Supervisors shall serve written notice personally or by mail upon the owner, possessor, or lessee of the motor vehicle or real estate to remove said motor vehicle within ten days. Upon failure or refusal of the owner, possessor or lessee to do so, the Township may cause the same to be done and collect the costs thereof.

(next page)

Prosperity Pa.
Dec 20 1969

Cont from page 153

together with a penalty ^{ten} (10%) per cent. of such cost, in the manner as provided by law for the collection of Municipal claims, or by action of assumpsit or may seek by a Bill in Equity, The Township may proceed against the Violator by fine or penalty

Section 5

For each and every violation of any provision of this Ordinance, such owner, person, firm or corporation shall, upon conviction thereof, be sentenced to pay a fine or penalty of not more than One Hundred (\$100.00) dollars, and costs of prosecution, and in default of the payment of such fines and costs, to undergo imprisonment for not more than thirty (30) days.

Ordained and enacted into an ordinance this 20 day of December 1969

Township of Morris

By John D. Stockdale
Chairman of Road Supervisors

Attest

Herschel A. Growls
secretary

B.A. Franks, Solicitor

22. 10. 11

ORDINANCE NO. 1, 1974

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP OF MORRIS BE OPENED OR CUT BY ANY PERSON, FIRM, CORPORATION OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THE TOWNSHIP CODE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Township of Morris,
Washington County, Pennsylvania, as follows:

SECTION ONE. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

SECTION TWO. No driveway or entrance way shall be laid upon or connected to any township road or portion thereof, nor shall any water pipe, electric conduit or other piping or structure be erected upon or connected to any township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

SECTION THREE. The application for a permit shall be on a form prescribed by the Township and submitted to the

Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right of way lines and a dimension to the nearest intersecting street.

SECTION FOUR. A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

SECTION FIVE. Upon completion of the work, the applicant shall give written notice thereof to the Township.

SECTION SIX. Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percentum (20%) of such cost.

SECTION SEVEN. Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice or Magistrate, to pay a fine or penalty of not more than Three Hundred (\$300.00) Dollars and cost of prosecution, and in default of the payment of such fine and costs to imprisonment in the County jail for not more than five (5) days.

SECTION EIGHT, An ordinance or part of

of the Town of Morris, Vermont, to be known as the ordinance relating to the

of the Town of Morris, Vermont, as follows:

of the Town of Morris, Vermont, this _____ day of _____, 1874.

MORRIS TOWNSHIP

By Robert A. Lakin
Chairman

ATTEST:

W. H. Lakin
Secretary

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, REGULATING THE SUBDIVISION OR DEVELOPMENT OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT; PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF PLATS OR DEVELOPMENT PLANS; PRESCRIBING FEES; PROVIDING FOR MOBILE HOME PARKS; ESTABLISHING STANDARDS FOR THE REVIEW OF PLATS AND DEVELOPMENT PLANS; PRESCRIBING MINIMUM IMPROVEMENTS; ESTABLISHING REMEDIES AND PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by Morris Township, Washington County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, as follows:

ARTICLE I. GENERAL PROVISIONS

101. TITLE: This Ordinance may be cited as the Morris Township Subdivision and Land Development Ordinance.

102. EFFECTIVE DATE: This Ordinance shall take effect December 12 - 1976.

103. COMPLIANCE: No subdivision or land development of any lot, tract, or parcel of land shall be made; no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, and no mobile home park shall be set up or maintained, except after approval of plats in accordance with the provisions of this Ordinance.

104. HARDSHIP: Where, owing to special conditions, the literal enforcement of this Ordinance would result in unnecessary hardship, the Governing Body may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot subject to conditions necessary to assure adequate streets and other public improvements.

105. EXCEPTION: The review and approval of a development plan for a Planned Residential Development as defined herein will be in accordance with the provisions of the Planned Residential Development Ordinance rather than by this Ordinance, provided that such Planned Residential Development Ordinance is adopted and is in full force and effect.

106. SEVERABILITY: If any section or provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

107. REMEDIES: In the event that any improvement which may be required has not been installed as provided by this Ordinance, or in accord with the approved final plat, the Governing Body shall enforce any corporate bond or other security by appropriate legal and equitable remedies, and shall take such other action as is appropriate and authorized by law. In addition to remedies herein provided, the governing body may institute actions at law or in equity to abate nuisances or to secure injunctions, or to obtain such other relief as may be provided by law.

108. PENALTIES: Any person, partnership, or corporation who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall pay a fine not exceeding \$1,000 per lot or parcel or per dwelling within each lot or parcel, all in accordance with the provisions of law. As to other violations herein not being misdemeanors according to law, any person, partnership, or corporation who violates any other such provision of this Ordinance shall be guilty of a summary offense and upon conviction before a justice of the peace or magistrate shall be sentenced to pay a fine or penalty not exceeding \$300.00 and the costs of prosecution, or in default thereof, to undergo imprisonment in the county jail for a period not exceeding thirty days. Each day that a violation continues shall constitute a separate offense.

109. DEFINITIONS: As used in this Ordinance, except where the context clearly indicates otherwise, the following words or phrases have the meaning indicated below.

109.1. Applicant: A landowner or developer who has filed an application for development.

109.2. Application: An application, either preliminary or final, required to be filed and approved prior to the start of land development or subdivision and which is complete in all respects as required by this Ordinance.

109.3. Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

109.4. Cul De Sac: A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

109.5. Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

109.6. Governing Body: Morris Township, Washington County, Pennsylvania.

109.7. Land Development: The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings; or the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; or a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership, or corporation for the purpose of the erection of buildings

by such person, partnership, or corporation.

109.8. Mobile Home Lot: A parcel or lot of land, improved with the necessary utility connections and other appurtenances, including adequate foundation, necessary for the erection or installation of a single mobile home. The construction and use of a mobile home lot shall be in accordance with the Zoning Ordinance and shall be treated as a single family residence.

109.9. Mobile Home Park: Any lot, parcel or tract of land whether or not designed, maintained or intended for the purpose of supplying a location or accommodations for two or more mobile homes, or upon which two or more mobile homes are parked, installed or located, and whether or not a charge is made for the use of the mobile homes or the facilities thereon, and shall include all buildings or structures used or intended for use as part of the equipment thereof. It is the intent of this definition that any owner or possessor of land of whatever size shall come within the scope of this definition if two or more mobile homes are to be parked, used, located or accommodated thereon, provided that the minimum acreage stated herein is maintained.

109.10. Municipality: Morris Township, Washington County, Pennsylvania.

109.11. Person: Any individual, firm or corporation.

109.12. Street: A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be

identified according to type of use as follows:

a. Arterial Streets: Streets providing for traffic movements between traffic generation areas.

b. Collector Streets: Streets providing connection primarily between regional streets or regional and local streets.

c. Local Streets: Streets serving primarily as access to abutting properties and not intended as major arteries carrying through-traffic.

109.13. Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, or lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten acres not involving any new street or easement of access shall be exempted.

110. REPEALER: All Ordinances and resolutions or any parts or provisions thereof previously enacted or passed which are in conflict with this Ordinance are hereby repealed.

ARTICLE II. APPLICATION AND REVIEW PROCEDURES

201. APPLICATIONS: No applicant or person may proceed with any excavation, grading or improvement of land, streets, or installation of public utilities until a preliminary application

has been approved by the governing body.

201.1. No applicant shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of a structure in a subdivision until the final plat or development plan has been approved by the Governing Body and recorded as required herein.

202. PRELIMINARY APPLICATION: The preliminary application shall include a location map, a site map, a subdivision plan, engineering report, and subsection information on land slides and/or land slide prone areas according to United States Geological Survey data. The application shall be submitted in not less than six copies and shall be accompanied by an application fee which shall be set annually by the Governing Body.

202.1. The location map shall clearly show the location, area and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties and the location and relative distance to existing related streets.

202.2. The site map shall cover the entire tract and all lands within 500 feet of its boundaries and shall clearly and accurately show the following data:

- a. The topography with vertical contour intervals of five feet or less.
- b. The natural features and existing culture such as woods, streams, embankments, retaining walls, structures and existing land use.
- c. The names of owners of properties adjacent to the tract.

d. Existing and proposed streets and rights-of-way including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, and curbs and sidewalks.

e. Existing and proposed easements, including widths and purposes.

f. Utilities, including size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines.

g. Areas subject to periodic overflow of flood or storm waters.

h. Sub-surface conditions, including data on past or possible future mining activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.

i. Tract boundary lines by calculated distances and bearings.

j. Title, graphic scale, north point, and date.

202.3. A proposed Subdivision Plan shall be drawn at a scale no smaller than 100' to 1" and shall show the following:

a. Name of subdivision.

b. Name and addresses of owner, subdivider and persons who prepared the Plan.

c. Proposed street pattern, including the names, widths and rights-of-way of streets, the widths of easements,

and the approximate grades of streets where they exceed eight per cent.

d. Layout of lots, including dimensions, number, and building lines.

e. Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use.

f. Key Plan, legends, notes, graphic scale, north point and date.

g. A draft of any proposed deed covenants.

h. Soil and erosion report.

202.4. An Engineering Report shall include the following data wherever pertinent:

a. Profiles, cross sections and specifications for proposed street improvements.

b. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, sanitary sewers.

c. A report on the feasibility of connection to existing sewerage system, including distances to the nearest public sewer, service load of the subdivision, capacity of the treatment plant.

d. If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage

system, and treatment works including the design, population, type and location of the treatment, and receiving stream.

e. If connection to a public or private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, watercourses, ground water table elevations, and the results of soil absorption tests for each individual lot conducted in accordance with the recommended practices of the health department.

203. PRELIMINARY REVIEW: The Governing Body shall forward one copy each of the Preliminary Application to the local Planning Commission, the engineer and the Washington County Planning Commission and such other body or commission as may be designated by law. The Governing Body shall not approve the Preliminary Application until reports from each of these agencies have been received, or in the case of the Washington County Planning Commission, forty-five (45) days from the time the plan was forwarded.

204. PUBLIC HEARINGS: The Governing Body may hold a Public Hearing as required by law prior to approval or disapproval of the Preliminary Application.

205. PRELIMINARY APPROVAL: The Governing Body shall render its decision and communicate it to the applicant not later than ninety (90) days after such application is filed.

205.1. The decision of the Governing Body shall be in writing and shall be communicated to the applicant personally if mailed to him at his last known address not later than five (5) days

following the decision.

205.2. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or Ordinance relied upon.

205.3. Failure of the Governing Body to render a decision and communicate it to the applicant within the time and the manner required shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

206. FINAL APPLICATION: Final application of the plat or development plan shall be submitted to the local Planning Commission and shall include at least five prints, one of linen tracing cloth or vellum and one reproducible copy on sheets at least 17" by 22" or as may be required by the size of the subdivision. A certificate of completion of improvements or guarantee of improvements as required shall be submitted.

206.1. The Final Plat shall be drawn at a scale no smaller than 100' to 1" and shall show:

a. The subdivision name, name and address of owner and subdivider; source of title of land as shown by the books of the Recorder of Deeds of the County, graphic scale, north point, date, certificate of approval by the Planning Commission and the Governing Body and the Washington County Planning Commission.

b. Survey date with certification by a registered professional engineer or land surveyor showing calculated distances and bearings of the subdivision boundaries, lots, recreation areas, utility easements, streets, alleys, building lines, and parkways reserved for community purposes.

c. Location and distances to the nearest established street corners or official monuments, and the streets intersecting boundaries of the subdivision.

d. Location, type of material and size of monuments.

e. Complete curb data.

f. Lot numbers and street names.

No duplication of existing street names shall be permitted.

g. The right-of-way of any street shall not be less than 40 feet in width.

h. Lot sizes and dimensions shall be in accordance with the minimum standards set forth in the Zoning Ordinance.

207. IMPROVEMENTS: No plats or development plans shall be finally approved unless all improvements required by this Ordinance have been installed in strict accordance with this Ordinance or a guarantee that the improvements will subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow which are acceptable to the Governing Body and are in an amount sufficient to cover the cost of the improvements which may be required. Such bond or other security shall provide for, and secure to the public, the completion of

any improvements which may be required. Such guarantee shall provide for, and secure to the public, the completion of all declared improvements within a period of three years from the date of final approval of the plat.

208. FINAL REVIEW: The Governing Body shall forward one copy each of the Final Application with plats or plans to the Local Planning Commission, the Washington County Planning Commission and such other body or commission as provided by law. The Governing Body shall not approve the Final Application until reports from each of these agencies have been received, or in the case of the Washington County Planning Commission, forty-five (45) days after the plan was forwarded.

209. FINAL APPROVAL: The Governing Body shall render its decision and communicate it to the applicant, as required by law, no later than ninety (90) days after such application is filed.

209.1. When a Preliminary Application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Application.

209.2. Upon final approval, the applicant may commence and complete the approved development in accordance with the terms of such approval within three years from such approval. Where final approval is preceded by preliminary approval, the three year period shall be counted from the date of the preliminary approval.

210. RECORDING: Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval record such plat in the office of the Recorder of Deeds of the County in which the Municipality is located.

211. INSPECTION: When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Municipal Secretary of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least twenty-four (24) hours before any such construction or installation shall commence so as to give the Engineer an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the Municipality in inspecting the installation of the improvements required by the Ordinance, the developer shall before he proceeds with any construction or installation, present a certified check or money order made payable to the Governing Body in an amount equal to one and one-half (1-1/2%) per cent of the Engineer's estimate of the cost of the improvements.

212. MAINTENANCE: Prior to any street or other improvement being accepted by the Municipality as hereinafter provided, the developer shall post a Maintenance Bond and/or other security, naming the Municipality as Obligee in an amount deemed adequate by the Governing Body to insure maintenance of said improvements for a period of at least two (2) years from the date of acceptance by the Municipality.

213. ACCEPTANCE: After streets and improvements have been installed and constructed pursuant to the requirements contained in this Ordinance, and in the event that the developer desires to have the Municipality accept said streets or improvements, the developer shall notify the proper Municipal Officials that the construction or installation has been completed, and shall supply the Municipality with a minimum of four copies of the as-built plan on which the street or improvement in

question has been constructed or installed. The four copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds of the County.

The portion of street or improvement which the developer desires to have the Municipality accept shall be shaded or colored in red on each of the four copies. The plan shall also clearly designate the number of lineal feet of said street or improvement which the subdivider desires to be accepted by the Municipality.

ARTICLE III. DESIGN STANDARDS

301. GENERAL: The governing body shall not approve any plat or development plan unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.

302. NATURAL FEATURES: Existing natural features which would add value to the subdivision and the Municipality, such as trees, steep slopes, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible through harmonious designing of the subdivision.

303. STREETS: The Governing Body shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the Municipality's Plan of streets.

303.1. In the case of subdivisions for commercial, industrial, and public purposes, no street giving access upon an arterial street shall be located closer than 500 feet along the same side of such arterial street, to any other driveway, public or private street in the same or another subdivision.

303.2. Local streets shall be so planned as to discourage through-traffic.

303.3. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.

303.4. Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

303.5. Cul de sacs shall normally not be longer than five hundred feet, including a turn-around which shall be provided at the closed end with an outside curb radius of at least forty feet and a right-of-way radius of not less than fifty feet. The maximum grade of the turn-around portion of the cul de sac shall be five per cent.

303.6. Alleys shall not be permitted in residential districts but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.

303.7. The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross

street from opposite directions shall be 125 feet.

303.8. Intersections of more than two streets at one point shall be avoided.

303.9. Dead-end streets shall be prohibited unless provided with a turn-around or cul-de-sac arrangement.

303.10. Right-of-way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Governing Body with the advice of the Planning Commission.

303.11. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distances along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

| | Arterial Streets | Collector Streets | Local Streets | Cul-de Sacs | Cross Walks | Alleys |
|--|------------------|-------------------|---------------|-------------|-------------|---------|
| Right-of-way width | 80 | 60 | 50 | 40 | 12 | 23 |
| Paving Width | 36 | 30 | 24 | 24 | 10 | 10 |
| Maximum Grade | 7.5% | 12% | 14% | 14% | -- | 14% |
| Angle for intersection of streets | 90° | 80°-90° | 70°-90° | 70°-90° | -- | 70°-90° |
| Minimum Curb Radius | 35' | 25' | 15' | 15' | -- | 5' |
| Grades for 25' before intersection | 3% | 3% | 3% | 3% | -- | 3% |
| Site Triangles (Distance along sides of thru Street/Stop Street) | 550/30 | 500/30 | 250/25 | 250/25 | -- | 50/20 |
| Horizontal Alignment (Minimum Radii of Center Line) | 600 | 400 | 200 | 100 | -- | 100 |
| Vertical Curbs (Minimum Sight distance) | 500 | 350 | 200 | 100 | -- | 100 |

304. BLOCKS: Blocks shall ordinarily not exceed one thousand feet in length. Where it is necessary for blocks to exceed this

length, pedestrian ways and/or easements may be required near the center of the block.

305. LOTS: The lot and yard sizes shall conform with the requirements of the Municipality's Zoning Ordinance and the lots shall be designed to accord with the following design standards:

305.1. Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with this Ordinance and connected to the general street system.

305.2. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.

305.3. Double-frontage lots shall be avoided.

305.4. When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provisions for adequate utility connections for each subdivision.

306. EASEMENTS: Easements for utilities and drainage shall have a minimum width of eight feet. Where a subdivision is traversed by a water course, there shall be provided a storm water easement of drainage right-of-way of width sufficient for the purpose.

307. WATER AND SEWER SYSTEMS: The water

supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the Health Department.

ARTICLE IV: REQUIRED IMPROVEMENTS

401. GENERAL: All of the required improvements specified in this Article shall be constructed in accordance with the Municipality's Standards for Construction and all other applicable Municipal, County and State Regulations.

402. MONUMENTS AND MARKERS: Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

403. STREETS: The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the Governing Body and shall include the following improvements:

403.1. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

403.2. Curbs shall be required on all streets.

403.3. The base course shall consist of latest Pennsylvania Department of Transportation approved material, having a thickness of not less than eight inches. The Governing Body shall have the right to determine whether this thickness is adequate for the type of street that has been proposed. Specifications shall be in accordance with minimum Penn Dot requirements.

403.4. Pavement shall be required on all streets.

403.5. Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.

404. STORM DRAINAGE: The construction of a storm drainage system shall conform to the following requirements:

404.1. Unless drainage ditches or channels are paved or piped, the maximum gradient shall be eight (8%) per cent.

404.2. Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

404.3. When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.

405. WATER SUPPLY: Where public water is available, as determined by the Governing Body, the developer shall connect to such public water supply and construct a system of water mains with a connection for each lot.

405.1. Where public water is not available, the developer shall supply acceptable evidence of the availability of water. The developer may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well

logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the Plan to the Governing Body.

405.2. If a private water supply is permitted, individual private wells shall be located at least twenty-five feet from property lines; fifty feet from all septic tanks; approximately one hundred feet from all tile disposal fields and other sewage disposal facilities; ten feet from all cast iron sewer lines; thirty feet from any vitrified sewer tile lines; and shall not be located within any Floor Plan.

406. SEWERS: Where the municipal sewer system is reasonably accessible to the subdivision, the developer shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary system. Where the municipal sewer system is not reasonably accessible to the subdivision, and in the judgment of the Governing Body, extension of the municipal sewage system to the subdivision will not take place in the foreseeable future, private sewage disposal systems on individual lots consisting of septic tanks and tile absorption fields, or an approved package plant sewage disposal system serving the subdivision may be permitted subject to approval by DER. Sewage treatment plants shall be enclosed by a six foot high cyclone fence and shall be landscaped or otherwise screened from view of the public thoroughfare.

407. UTILITIES: Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any

paving. All utilities shall be underground.

408. TREES: Trees may be planted along the streets. The location and types of trees must meet the approval of the Governing Body.

409. STREET SIGNS: Street name signs of a type adopted or approved by the Governing Body shall be installed at each street intersection by the developer, on a location specified by the Engineer.

410. SIGHT TRIANGLE FOR INTERSECTIONS:
On a corner lot or any point of entry on a public road, nothing shall be erected, placed, planted or allowed to grow in such a manner which obscures vision between the height of one and one half (1-1/2) feet and ten feet above ground level as measured from the centerline grades of the intersecting streets and within the area bounded by the street lines of such corner lots and a line joining points on these street lines twenty-five feet from their intersection along the lot lines. However, the above shall not apply if the intersection is permanently controlled by a traffic signaling device.

411. PARKS, PLAYGROUNDS, AND OTHER
PUBLIC OR COMMUNITY LANDS:

411.1. A portion of the area to be subdivided and/or developed, exclusive of streets, shall be set aside for park, playground or other recreational use in accordance with the requirements established by the Governing Body but, except as hereafter provided, such requirement shall be uniform according to lot size and shall not exceed ten per cent of the area to be subdivided and/or developed. Land so set

aside shall be of a character suitable for use as a park, playground, or other recreational purpose as determined by the Governing Body and shall be reasonably level and reasonably dry.

411.2. The proper improvement and maintenance of any area set aside for park, playground or for other recreational use in a particular subdivision shall be the responsibility of the developer thereof and shall be guaranteed by appropriate bonds satisfactory to the Governing Body.

In place of such guarantee, the Municipality, at its option may accept from the developer deeds of dedication conveying title to such areas to the Municipality. If such deeds are offered by the developer and accepted by the Municipality, the developer shall not be required to post bonds guaranteeing the improvement and maintenance of such areas. The Governing Body may require the submission of such bonds or deeds of dedication for such areas immediately upon approval of the plan.

411.3. The Governing Body may waive the above requirements, where it determines that no area in a subdivision is suitable for park or recreational purposes.

411.4. Nothing in this section shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

ARTICLE V: MOBILE HOME PARKS

501. SPECIFIC INTENT: It is the purpose of this section to provide for the orderly development of mobile home sites with specific emphasis upon the provision of all necessary utilities,

including an approved water supply system, a sanitary sewer system, and necessary electrical connections. In addition it is the intent of this Article to permit a more varied, efficient and attractive development pattern of mobile homes and to increase the flexibility of the location and the arrangement of such mobile homes. Furthermore, it is necessary to provide for a viable interior circulation system with adequate ingress and egress from public rights-of-way.

502. PROCEDURE: Any owner of a minimum of ten (10) contiguous acres of land in a residential district may request that the regulations of this Article be applied to such property. The following procedure shall be employed.

502.1. The applicant shall appear before the Planning Commission for a pre-application conference for consideration of basic site information and sketch plans and preparation of application before submission of the application. The purpose of the pre-application conference is to the benefit of the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys or other data.

502.2. The application shall be submitted to the Planning Commission and shall consist of the following:

- a. A legal description of the property to be included.
- b. A sketch plan showing the intent and overall development plan.

- c. The number, size, and location of all mobile home berths.
- d. The location and width of driveways, walkways, and other easements existing or proposed.
- e. The size and location of all proposed recreational areas.
- f. The size and location of water, sewer, and other utility lines.
- g. The location of service buildings and any other existing and proposed structures.
- h. The plans and specifications for all structures and improvements, including pad layouts, supports, and cross section of roads, existing or proposed within the mobile home park site.
- i. The phasing of development, if any.
- j. Such other information as may be required by the Planning Commission and the Township Supervisors.

502.3. The Planning Commission shall forward the application to the Governing Body together with its recommendations and the Governing Body shall render its decision and communicate it to the applicant not later than ninety (90) days after such application has been filed.

502.4. If approved, a copy of the preliminary plan shall be returned to the applicant with a notation thereon, that the plan has received preliminary approval and that a final plan may be

submitted together with such additional information as may be required by the Planning Commission and/or the Township Supervisors.

502.5. If the application is rejected by the Township Supervisors, the written reasons for such rejection shall be made available. The decision of the Township Supervisors may be appealed by the applicant to the Zoning Hearing Board. All appeals shall be filed as provided by law.

503. ISSUANCE OF PERMITS: Upon final approval of the application by the Planning Commission and the governing body, and the payment of fees as prescribed by resolution, the township secretary or building inspector shall issue a mobile home park permit to the applicant which shall be valid for one year. Renewal permits for a like period shall be issued by the Township Secretary provided that the subject mobile home park has maintained the standards prescribed in this ordinance and all applicable Commonwealth of Pennsylvania regulations.

504. AREA AND BULK REGULATIONS: The following regulations shall be observed:

| | |
|---|--|
| Tract size----- | 10 Acres |
| Lot Width----- | 100 ft. for portions used for general vehicular entrances and exits; 200 ft. for portions containing mobile home berths. |
| Minimum setback of all mobile homes and accessory structures----- | 75 ft. from any road located outside the mobile home park site. |
| Side and Rear Yards----- | 50 ft. minimum from any mobile home berth to any property line. |

505. DESIGN STANDARDS: The following standards shall be applicable to all mobile home park sites:

505.1. There shall be not more than 5 mobile homes per acre and at least 8500 sq. feet per mobile home berth.

505.2. Each mobile home berth shall contain at least two (2) off-street parking spaces which are each 9 ft. x 20 ft. in size.

505.3. The minimum distance between mobile homes shall be forty (40) feet.

505.4. Each mobile home park shall be surrounded by a landscaped greenbelt at least 50 ft. from each lot line, which distance may not be computed in meeting the area and bulk regulations.

505.5. Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. All accessways to any public street or highway shall be located at least 200 feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress.

505.6. All mobile home berths shall abut upon paved roadways with a right of way of not less than 40 feet in width for a two-way street and a right of way of not less than 24 feet for a one-way street.

505.7. A recreational area equal to at least 400 square feet for each mobile home berth shall be set aside and improved according to a plan approved by the Governing Body.

505.8. All accessory service buildings on the mobile home park site shall be connected to all mobile home berths by a paved walkway not less than three (3) feet in width.

505.9. All interior drives and walkways shall be adequately lighted at night and such lights shall be properly spaced.

505.10. The minimum number of berths completed and ready for occupancy before the first occupancy shall be ten (10%) per cent of the total number.

505.11. Unless other acceptable provisions are approved by the Township, mail boxes for each berth shall be provided by the developer or owner in an attractive manner approved by the Governing Body.

506. PROVISION FOR UTILITIES AND SERVICES:

The following regulations shall be applicable:

506.1. Fire hydrants, if water is reasonably available, shall be located within 600 feet of any mobile home or service building.

506.2. On lot sewage disposal shall be prohibited. All waste from showers, toilets, and washing machines or sinks shall be discharged into a public sanitary system. No mobile home park shall be approved without the applicant or owner first having obtained sanitary approval by the state. Sewage treatment plants shall be enclosed by a six foot high cyclone fence and shall be landscaped or otherwise screened from view of the public thoroughfare.

506.3. All mobile homes and accessory or service buildings shall be connected with the water and sanitary system. Each berth shall be provided with an approved electrical system.

506.4. All rubbish or garbage containers shall be

located not more than 50 feet from any mobile home berth. The owner or developer shall be responsible for good maintenance of the park, and for the collection and disposition of rubbish and garbage.

506.5. Annual inspection fee of Fifteen (\$15.00) Dollars shall be paid to the Governing Body not later than January 31st of each year.

506.6. Each owner or lessee of a mobile home park shall supply to the Governing Body the names and addresses of each occupant in the park by January 31st of each year.

ENACTED AND ORDAINED this 7 day of
December, 1976.

MORRIS TOWNSHIP

By James J. [Signature]

ATTEST:

[Signature]
Secretary

THOMAS J. TERPUTAC, ESQ.
SOLICITOR
63 South Main Street
Washington, Pennsylvania 15301

ORDINANCE NO. 5
Morris Township
Washington County, Pennsylvania

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA PROVIDING FOR THE LEVY, ASSESSMENT AND COLLECTION OF A TAX ON THE TRANSFER OF REAL PROPERTY LOCATED WITHIN MORRIS TOWNSHIP; PROVIDING FOR CERTAIN EXCEPTIONS AND IMPOSING CERTAIN CONDITIONS UPON SAID TRANSFERS AND DESIGNATING THE RECORDER OF DEEDS OF WASHINGTON COUNTY AS THE AGENT FOR THE COLLECTION OF THE SAID TAX.

The Board of Supervisors of Morris Township, Washington County, Pennsylvania, hereby ordain and enact the following ordinance:

SECTION I - AUTHORITY FOR TAXATION

Morris Township, Washington County, Pennsylvania is empowered to enact this ordinance pursuant to the provisions of the Act of December 31, 1965, No. 551, P.L. 1257, as amended, 53 P.S. § 6901 et. sec., otherwise known as the "Local Tax Enabling Act".

SECTION II - DEFINITIONS

(a) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(b) "Agent" means the Recorder of Deeds of Washington County, Pennsylvania.

SECTION III - TRANSFER TAX

Morris Township hereby imposes a tax upon the transfer of real property, or of any interest in real property situate within Morris Township regardless of the place where the instruments making such transfers are made, executed or delivered or where the actual settlements on such transfers take place. The failure of Morris Township or its Agent to levy, assess and collect the said tax upon the transfer of any interest of liability for payment of the same but the said transferee shall remain liable for any unpaid realty transfer taxes imposed pursuant to this ordinance.

SECTION IV - RATE OF TAXATION

The tax imposed pursuant to this ordinance shall be at the rate of one-half (1/2) percent of the actual consideration paid for the transfer of title or of any interest in or to said real estate located within Morris Township.

SECTION V - EXCEPTIONS

Morris Township shall not collect any tax on the transfer of real property when the transfer is by Will or mortgage or the intestate laws of this Commonwealth or on 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 or on a transfer between corporations operating housing projects pursuant to the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between non-profit industrial development agencies and industrial corporations purchasing from them, or on transfer to non-profit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three (3) months of the date of the granting of the final Decree in Divorce and the property or interest therein, subject to such a transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final Decree in Divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on 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 confirmation 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 (1) year from the date of condemnation, leases, or on 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 the repayment of the debt, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee.

SECTION VI - SEVERABILITY

If any one or more sections subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid such decision shall not effect the constitutionality, legality or validity of the remaining portions of this ordinance.

SECTION VII - EFFECTIVE DATE

This ordinance shall become effective immediately.

ORDAINED AND ENACTED INTO ORDINANCE THIS 4th DAY OF

SEPTEMBER, 1979.

ATTEST:

Gwendolyn Andrews
Secretary, Board of Supervisors
of Morris Township

John B. Hutter
Chairman, Board of Supervisors
of Morris Township

ORDINANCE NO. 1 OF 1982

AN ORDINANCE ESTABLISHING A WEIGHT LIMIT FOR VEHICLES IN THE TOWNSHIP OF MORRIS, PROVIDING FOR ISSUANCE OF PERMITS FOR TRANSPORT OF OVERWEIGHT VEHICLES, PROVIDING FOR THE POSTING OF HIGHWAYS, AND PROVIDING FOR POSTING OF BOND FOR TRANSPORT OF OVERWEIGHT VEHICLES AND ESTABLISHING PENALTIES FOR ANY PARTIES WHO REFUSE TO COMPLY WITH REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. DEFINITIONS AND INTERPRETATION

- a. Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in the Vehicle Code Act of June 17, 1976, P.L. 162, No. 81 S/S 1, effective July 1, 1977, of the Commonwealth of Pennsylvania, as now in effect, or as hereafter amended, enacted or re-enacted, except where the context clearly indicates a different meaning.
- b. The word person shall mean and include every natural person, firm, partnership, association or corporation.
- c. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 2 VEHICLE WEIGHT LIMITS ESTABLISHED

It shall be unlawful for any person to operate any motor vehicle or other vehicle, or any tractor, trailer, or tractor-trailer combination, including all equipment used for all types of construction, demolition, coal mining, or coal stripping operations, having a gross weight in excess of that herein respectively prescribed, upon any of the following highways or portions thereof in the Township of Morris, without first securing a permit therefor, as hereinafter provided:

| <u>Highway</u> | <u>Portion</u> | <u>Maximum Gross Weight</u> |
|------------------------------------|----------------|-----------------------------|
| All highways except state highways | Entire Extent | Ten (10) tons |

Section 3 APPLICATION FOR PERMIT; CONDITIONS

Any person who shall desire to transport any vehicle, which exceeds the weight limitations set forth in Section 2 above, over the streets or highways of the Township of Morris, shall first make application to the Township Secretary in writing for the purpose. Such application shall be made upon blanks to be furnished by the Township and shall set forth the name of the applicant, the type of vehicle desired to be transported, the weight of the vehicle to be transported, and such other information as the Township Secretary shall require;

Provided the Township Secretary shall not issue any permit until the applicant therefor shall have deposited with the Township Secretary a bond with surities which shall be approved by the Township Supervisors in a sum sufficient in the opinion of the Supervisors and/or the Agent or Engineer designated by the Supervisors, to pay the cost and expense of repairing any damage which may occur as a result of the transport of the overweight vehicle over the highways or streets in the Township; which bond shall be returned or cancelled when such transporting of the overweight vehicle has been completed.

Section 4 PERMIT FEES

Before any permit shall be issued under this ordinance, the applicant shall pay to the Township Secretary, a permit fee of twenty-five dollars (\$25.00) to cover the cost of administration, determination of the required bond, and other incidental services in connection therewith.

Section 5 PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment of not more than ten (10) days.

Section 6 POSTING OF HIGHWAYS

The Supervisors of Morris Township may post township highways with the appropriate signs setting forth the weight limitation provided herein.

Section 7 SEVERABILITY OF PROVISIONS

The provisions of this ordinance shall be severable and if any of its provisions shall be held unconstitutional, illegal or invalid, such declaration shall not affect the validity of any of the remaining provisions of this ordinance.

Section 8 REPEAL OF PRIOR ORDINANCES

That any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into an Ordinance this day of , 1982, A.D.

ATTEST:

TOWNSHIP OF MORRIS

Township Secretary

By: _____
Supervisor

(SEAL)

By: _____
Supervisor

By: _____
Supervisor

ORDINANCE NO. 1 OF 1985

AN ORDINANCE OF THE TOWNSHIP OF MORRIS DEFINING LEWD MATERIALS, REGULATING THE SALE AND DISTRIBUTION THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated.

AUDIENCE - one or more persons who are permitted to view a performance for valuable consideration or in or from a public place.

DISPLAY PUBLICLY - exposing, placing, posting, exhibiting, or in any other fashion displaying in any location, whether public or private, material or a performance in such a manner that it may be readily seen and its content or character distinguished by viewing it in or from a public place or vehicle.

DISSEMINATE - manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.

LEWD MATERIAL - any material or performance in which all of the following elements are present:

1. considered as a whole, by the average person, applying to the contemporary community standards of the Township of Morris, it appeals to the prurient interest in sex; and
2. it depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined; and
3. taken as a whole, it lacks serious literary, artistic, political, educational or scientific values.

MATERIAL - any printed matter, visual representation, or sound recording, including, but not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, three-dimensional forms, sculptures, and phonograph, tape or wire recordings.

NUDITY - uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a

discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only are covered.

PANDER - advertising or propagandizing in connection with the sale of material, the offering of a service, or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.

PERFORMANCE - any live or reproduced exhibition including but no limited to any play, motion picture film, dance or appearance presented to or performed before an audience.

PERSON - any individual, partnership, firm, association, corporation or other legal entity.

PRURIENT INTEREST - desire or craving for sexual stimulation or gratification. In determining prurient interest, the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons, including but not limited to, homosexuals or sado-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.

PUBLIC PLACE or VEHICLE - any street, alley, park, boulevard, school or other public property or any dance hall, rental hall, theater, amusement park, liquor establishment, store, depot, place of public accommodation, or other private property in Morris Township generally frequented by the public for the purposes of education, recreation, amusement, entertainment, sport, shopping or travel; or any vehicle for public transportation, owned or operated by the government, either directly or through a public corporation or authority, or owned or operated by any non-governmental agency for the use, enjoyment or transportation of the general public.

SADO-MASOCHISTIC ABUSE - flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.

SEXUAL ORDUCT -

1. masturbation;
2. sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital;

ORDINANCE NO. 1 OF 1985

AN ORDINANCE OF THE TOWNSHIP OF MORRIS DEFINING LEWD MATERIALS, REGULATING THE SALE AND DISTRIBUTION THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated.

AUDIENCE - one or more persons who are permitted to view a performance for valuable consideration or in or from a public place.

DISPLAY PUBLICLY - exposing, placing, posting, exhibiting, or in any other fashion displaying in any location, whether public or private, material or a performance in such a manner that it may be readily seen and its content or character distinguished by viewing it in or from a public place or vehicle.

DISSEMINATE - manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.

LEWD MATERIAL - any material or performance in which all of the following elements are present:

1. considered as a whole, by the average person, applying to the contemporary community standards of the Township of Morris, it appeals to the prurient interest in sex; and
2. it depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined; and
3. taken as a whole, it lacks serious literary, artistic, political, educational or scientific values.

MATERIAL - any printed matter, visual representation, or sound recording, including, but not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, three-dimensional forms, sculptures, and phonograph, tape or wire recordings.

NUDITY - uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a

discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only are covered.

PANDER - advertising or propagandizing in connection with the sale of material, the offering of a service, or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.

PERFORMANCE - any live or reproduced exhibition including but no limited to any play, motion picture film, dance or appearance presented to or performed before an audience.

PERSON - any individual, partnership, firm, association, corporation or other legal entity.

PRURIENT INTEREST - desire or craving for sexual stimulation or gratification. In determining prurient interest, the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons, including but not limited to, homosexuals or sado-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.

PUBLIC PLACE or VEHICLE - any street, alley, park, boulevard, school or other public property or any dance hall, rental hall, theater, amusement park, liquor establishment, store, depot, place of public accommodation, or other private property in Morris Township generally frequented by the public for the purposes of education, recreation, amusement, entertainment, sport, shopping or travel; or any vehicle for public transportation, owned or operated by the government, either directly or through a public corporation or authority, or owned or operated by any non-governmental agency for the use, enjoyment or transportation of the general public.

SADO-MASOCHISTIC ABUSE - flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.

SEXUAL CONDUCT -

1. masturbation;
2. sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital;

3. any erotic fondling or touching of the covered or uncovered genitals, buttocks, pubic area, or any part of the breasts or the female, whether the conduct described in subsection 1 through 3 is engaged in alone or between members of the same or opposite sex, or between humans and animals or humans and inanimate objects;

4. actual or simulated display or exhibition of the human pubic area or genitals or any part thereof;

5. sexual excitement, as hereinafter defined; or

6. sado-masochistic abuse as herein defined.

SEXUAL EXCITEMENT - the facial expressions, movements, utterances or any other physical responses of a human male or female, whether alone or with others, whether clothes or not, who is in an apparent state of sexual stimulation or arousal, or experiencing the physical or sensual reactions of humans engaging in or witnessing sexual conduct.

As used in this ordinance, the masculine shall include the feminine and neuter.

Section 2. Disseminating and/or Promoting Lewd Material. It shall be unlawful for any person, to disseminate and/or promote and/or display publicly lewd material in the Township of Morris. A person shall be guilty of the offense of disseminating and/or promoting and/or displaying publicly lewd material, if, knowing its content and character he:

1. disseminates or causes to be disseminated any lewd material in or from a public place or vehicle, or for valuable consideration; or has in his possession any lewd material with intent to so disseminate; or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him, for such dissemination of lewd material; or

2. sells an admission ticket, or pass to premises where there is being exhibited or is about to be exhibited lewd material or a performance which contains lewd material; or

3. admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which contains lewd material; or

4. produces, presents, directs, or knowingly allows the use of any business, building, vehicle or place, owned, leased, conducted or managed by him to be used for a performance which contains lewd material before an audience; or

5. participates in that portion of a live performance before an audience which makes the performance contain lewd material; or

6. panders, displays publicly, or disseminates door to door, any lewd material, or causes such pandering, public display or door to door dissemination.

Section 3. Penalties. Any person who shall violate this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day a violation of this ordinance continues shall constitute a separate offense.

Section 4. Injunction. The Solicitor of Morris Township may institute proceedings in equity in the Court of Common Pleas of Washington County for the purpose of enjoining any violation or potential violation of this ordinance.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6. Severability. If any sentence, clause, section, or part of ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. Effective Date. This ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 5th day of February, 1985 A.D.

ATTEST:

TOWNSHIP OF MORRIS

John B. Gorman
Township Secretary

By: William P. ...
Supervisor

(SEAL)

By: John B. Gorman
Supervisor

By: John B. Gorman
Supervisor

ORDINANCE NO. 2 OF 1985

AN ORDINANCE OF THE TOWNSHIP OF MORRIS PROHIBITING THE SALE OR OTHER DISTRIBUTION, THE ADVERTISING FOR SALE OR OTHER DISTRIBUTION OF DRUG PARAPHERNALIA, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

CONTROLLED SUBSTANCE - drug substance or immediate precursor as defined in the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act, 35 P.S. §§780-101 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

DRUG PARAPHERNALIA - any object, device, instrument, apparatus or contrivance the primary and traditionally exclusive use of which is involved with the illegal use or possession of any and all controlled substances as defined by the laws of Pennsylvania.

IMMEDIATE PRECURSOR - substance which under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance.

TRADITIONALLY EXCLUSIVE USE - use which is primary and inherent as opposed to secondary and incidental, and is associated with certain knowledge or beliefs derived from statements or contemporary persons and handed down through a considerable period of time.

Section 2. Possession or Trade of Paraphernalia Prohibited. No person shall possess for sale or other distribution, sell, lease, trade or give display for sale, any types of drug paraphernalia.

Section 3. Advertisement of Paraphernalia Prohibited. No person shall advertise for the sale, lease, trade or gift of any type of drug paraphernalia.

Section 4. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. Effective Date. This ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 5th day of February, 1985 A.D.

ATTEST:

TOWNSHIP OF MORRIS

John M. Conner
Township Secretary

By: William P. Shuman
Supervisor

(SEAL)

By: John B. Ammer
Supervisor

By: John B. Clitter
Supervisor

ORDINANCE NO. 3 OF 1985

AN ORDINANCE OF THE TOWNSHIP OF MORRIS AMENDING ZONING ORDINANCE NO. 1, EFFECTIVE JUNE 4, 1973, PROVIDING FOR THE DEFINITION AND REGULATION OF HOME OCCUPATIONS.

WHEREAS, the Supervisors of Morris Township and the Morris Township Planning Commission have reviewed the need for regulations to govern home occupations and have determined that certain restrictions on home occupations are desirable and necessary; and

WHEREAS, the Supervisors of Morris Township pursuant to Section 506 of the "Morris Township Zoning Ordinance" have held a public hearing, reviewed the proposed amendment, and determined that the proposed changes are in the best interest of the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

HOME OCCUPATION - a home occupation is a use which is secondary to the use of a dwelling or other structure on the same premises contributing either entirely or partly to the livelihood of a person living in the dwelling.

Section 2. Amendment of Table 201. That Table 201 of the "Morris Township Zoning Ordinance", effective June 4, 1973, be amended to include home occupation as a Conditional Use in the A-1 Agricultural, R-1 Residential, and B-1 Business areas of the Township.

Section 3. Regulation of Home Occupation.

a. In addition to complying with all of the requirements of Article Four of the "Morris Township Zoning Ordinance" relating to the application for and approval of a conditional use, no home occupation shall be permitted that:

1. changes the character of the dwelling or gives any exterior evidence of the use;
2. generates traffic, parking, sewerage, or noise in excess of what is normal in the immediate area;
3. consists of employees other than those family members already residing in the dwelling;
4. results in outdoor storage and displays;
5. involves more than two (2) students or pupils at one time.

b. Any sign, billboard or graphic display erected in connection with a home occupation shall meet the following requirements:

1. signs must be located on the same premises as the home occupation;
2. signs shall not contain information or advertising for any product not sold on the premises;
3. signs shall not have a combined aggregate surface size greater than one square foot for each foot of width of the principal structure on the premises;
4. signs shall not project over public rights-of-way;
5. signs and structures shall not be illuminated.

Section 4. Existing Home Occupations.

a. Any home occupations which exist in the Township on the effective date of this Ordinance must be registered by the owner or possessor of the premises with the Zoning Officer within sixty (60) days of the effective date of this Ordinance.

b. Registration of an existing home occupation with the Zoning Officer shall not exempt the home occupation from any of the requirements of the "Morris Township Zoning Ordinance" or of this Ordinance and compliance with said ordinances shall be made by the owner or possessor of the premises within one hundred twenty (120) days of the effective date of this Ordinance.

c. The Zoning Officer shall provide forms for the registration of existing home occupations.

Section 5. Enforcement, Penalties and Remedies. This Amendment shall be enforced in the same manner as set forth in the "Morris Township Zoning Ordinance".

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

Section 7. Conflict. If the standards and regulations established in this Ordinance are or come into conflict with the standards and regulations of the "Morris Township Zoning Ordinance" in effect in Morris Township, the standards and regulations in the "Morris Township Zoning Ordinance" shall prevail.

Section 8. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

Section 9. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 17 day of DECEMBER, 1985 A.D.

ATTEST:

TOWNSHIP OF MORRIS

John M. Gannon
Township Secretary

BY: [Signature]
Supervisor

SEAL)

BY: [Signature]
Supervisor

BY: [Signature]
Supervisor

ADOPTED MAY 21, 1991

TOWNSHIP OF MORRIS
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 1991

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING, AND STORAGE OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID MUNICIPALITY, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO A TRANSPORTATION, PROCESSING OR DISPOSAL FACILITY DESIGNATED BY THE MUNICIPAL OFFICIALS; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS IN SAID MUNICIPALITY; AND PROVIDING FOR THE LICENSING OF AUTHORIZED COLLECTORS THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, pursuant to the authority vested to the Township by the Pennsylvania Solid Waste Management of 1980 (Act 97) and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101), the Township of Morris is desirous of enacting an Ordinance regulating the storage, collection, and disposal of rubbish, refuse, and garbage in the municipality.

NOW, THEREFORE, the Township of Morris, Washington County, Pennsylvania hereby enacts and ordains as follows:

Part 1

Solid Waste Collection

§101. Intent and Purpose. All domestic, commercial and industrial refuse accumulated or stored upon any property within the Township of Morris shall be collected and removed by a responsible person or collector who shall be licensed with the Township and shall be disposed in an area authorized by and approved by the Board of Supervisors in accordance with all state regulations.

§102. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

ASHES - residue from the burning of coal, coke or other combustible material.

DISPOSAL - storage, collection, disposal, or handling of garbage.

DEPARTMENT or DER - shall mean the Pennsylvania Department of Environmental Resources (DER).

DWELLING - place of residence within the Township of Morris of one or more persons where refuse is generated through normal living habits. It shall not include apartments or buildings devoted to multiple-family occupancy.

GARBAGE - mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

OCCUPANT - person generally in possession and control of any dwelling.

PERSON - any natural person, association, partnership, firm or corporation.

REFUSE - all solid waste, except human body wastes, including garbage, ashes, and rubbish.

RUBBISH - glass, metal, paper, plant growth, wood, or nonputrescible solid waste.

SOLID WASTE - any waste, including but not limited to, municipal, residual, or hazardous wastes, including solidified liquids, semisolids, or contained gaseous materials.

In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§103. Licensing of Collectors.

1. No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Township or dispose of the same in any manner or place without obtaining a license.

2. The fee for such license shall be as established by resolution of the Board of Supervisors, and all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

3. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection, and the place and method of disposal.

4. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Part.

5. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without first receiving the approval of the Board of Supervisors.

6. It shall be unlawful to permit any unlicensed collector to collect or remove garbage from any household.

§104. Containers for Weekly Collection. Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times, a portable metal or plastic receptacle. The same must be

watertight, equiped with a tight fitting cover, and each receptacle shall be kept in a clean and sanitary condition. A standard garbage bag shall be a container within the meaning of this section.

§105. Point of Collection. The contractor shall pick up all refuse on the property, in accordance with specifications established by the Township.

§106. Cost. The cost of weekly garbage collection shall be based on the number and size of the containers as established by the collector.

§107. Schedules. The contractor shall prepare a schedule of refuse pickup for each household on a weekly basis. The contractor shall be responsible to notify residents of the days collections will be made.

§108. Hours of Operation. The collector shall be permitted to collect, remove and transport refuse on all days of the week, except Sunday and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and unless otherwise ordered, the collection of refuse shall not commence before 6:00 A.M., and shall be completed by 6:00 P.M., on any single day of collection. All refuse from cans and receptacles of occupants of dwellings shall be collected, removed and emptied by the collector at least once each week.

§109. Accumulation of Garbage Prohibited. No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property nor be thrown in any stream or other body of water.

§110. Preparation for Collection. All garbage, before being placed into receptacles for collection, shall have drained from it, as far as practical, all free liquid. Garbage shall be wrapped in paper or otherwise contained. Ashes shall be placed in separate, fire resistant containers. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed thirty-six inches (36") in length and fifty (50) lbs. in weight.

§111. Equipment of Collector. The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed steel bodies with steel covers and watertight and non-leakable automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse under such agreement so as to assure general cleanliness and sanitation throughout the entire process and operation thereof. The collector's unit shall be equipped with appropriate devices to handle containers having a maximum capacity of forty (40) gallons. All vehicles must comply with the requirements of Act 97 and Act 101 and all regulations adopted thereunder, including Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.

The collector shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract. An approved disposal area shall be only a transfer station, processing facility, and/or disposal site permitted by the DER, Bureau of Waste Management, or other regulatory agency.

§112. Disposal. Each collector applying for a license shall provide either evidence of ownership of an approved disposal area or evidence of a valid agreement, not subject to cancellation, covering use of approved disposal area. Such evidence shall accompany the application for license.

§113. Billing Procedure. The collector shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The collector shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon the Township. The collector will notify the Township in writing when a customer's garbage pickup has been terminated within 48 hours after termination.

§114. Complaints. The Board of Supervisors shall have the right to determine finally the true validity of any complaints made by residents as to failure of the contractor to collect refuse in accordance with this agreement, and the Board of Supervisors' decision shall be final and binding upon the contractor.

§115. Assignment of Contract. The contractor shall not assign his license in whole or in part without the written consent of the Township. Such consent does not release the contractor from any of his or its obligations and liabilities under the license. Any violation of this Part or specifications shall be sufficient cause for the immediate cancellation of the license by the Board of Supervisors.

§116. Workmen's Compensation and Social Security. Workmen's Compensation and Social Security Acts, as amended, are deemed a part of the license agreement. The contractor shall be obliged to provide Workmen's Compensation coverage and shall fulfill the terms and save harmless the Township and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said contractor, his agents or employees in the execution of the license conditions.

§117. Collector as an Independent Contractor. The contractor granted the license shall not in any manner be construed as an agent, servant or employee of the Township, but shall, at all times, be considered and remain an independent contractor.

§118. Insurance Coverage. The contractor shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering not only the contractor but also the Township of Morris, the limits of which shall be not less than \$300,000.00 - \$500,000.00 personal liability and \$100,000.00 property damage, and shall furnish the proper certificates of insurance coverage to the Township.

§119. Cancellation of License. Any violation of these specifications shall be sufficient cause for the immediate cancellation of the license.

§120. Faithful Performance. Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity, or any restrictions or embargoes imposed by the Federal Government or any agency thereof; and it is understood and agreed that all material shall be collected, removed, and disposed of in a skillful and businesslike manner, satisfactory to the Township.

§121. Evidence of Satisfactory Equipment. The contract shall furnish evidence satisfactory to the Township that he has available equipment, by ownership or by valid lease agreement, for collecting and disposing of materials in the performance of his contract and that all equipment for transporting of materials will comply with the sanitary and watertight requirements set forth by the Township.

§122. Certified List of Customers. The contractor shall deliver to the Township Secretary, at least fifteen (15) days prior to the anniversary date of the license, and at least thirty (30) days prior to the termination date of the license, a certified list of customers. This list shall become and remain at all times the property of Township.

§123. Extension of Date of Obtaining License. All contract carriers presently operating, who have entered into an existing contract with a resident of the Township providing for the collection of that resident's refuse, shall be permitted to continue collecting the refuse of that resident for the duration of the contract period. At the expiration of the contract, the contract carrier shall be required to effect complete compliance with the licensing requirements of this Part and shall be bound by licensing requirements as to the collection of refuse from any new resident and shall be subject to the licensing requirements of this ordinance in respect to any contract entered into between the carrier and a resident of the Township after the effective date of this Part.

§124. Penalties. Any person, firm or corporation except the licensed collector who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense.

Part 2

Solid Waste Disposal

§201. Short Title. This Part shall be known as the Solid Waste Disposal Ordinance.

§202. Definitions.

PERSON - any natural person, association, partnership, firm or corporation.

SOLID WASTE - as defined in the Pennsylvania Solid Waste Management Act, Act of July 31, 1968, P.L. 241, 38 P.S. 6001.

§203. Prohibited Acts. It shall be unlawful for any person to dump, deposit, store, collect, process, or dispose of, solid waste or to permit such activity by anyone else except in compliance with the terms of this Part, or as exempted by state legislation.

§204. Storage Practices.

1. Preparation of Solid Waste -

- A. All solid waste shall be drained free of liquid before disposal.
- B. Garbage shall be wrapped in paper or similar material.
- C. Rubbish shall be cut and baled, tied, bundled, stacked, or packaged so as not to exceed thirty-six inches (36") in length and fifty (50) pounds in weight. This may be placed in cans or bags of the type hereinafter set forth.

2. Containers -

- A. Containers shall be made of durable, water tight, rust resistant material having a close fitting lid and handles to facilitate collection, or approved plastic bags. Containers must comply with DER rules and regulations.
- B. Containers for residences shall be of not less than ten (10) gallons, nor more than thirty-two (32) gallons in capacity. Containers for commercial establishments shall not exceed forty (40) gallons in capacity unless agreed to by the party authorized to make collection.
- C. It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or sides of the containers, it being the intention of this provision that the interior of containers, shall be kept clean by thorough rinsing and draining as often as necessary.

D. Garbage will not be set out for collection before 6:00 o'clock P.M. of the day preceding the scheduled pickup day.

3. Storage of Solid Waste - Each householder, commercial establishment, or person having solid waste shall provide himself with approved containers and shall place and keep all solid waste therein, except as provided in §204(1)(C) of this Part relating to handling of rubbish.

§205. Collection Practices.

1. Place of Collection -

A. Containers shall, for the purpose of collection, be placed at ground level, and be made readily accessible to the collector. They shall be placed on the curb or at the edge of the street on which the collection truck is being driven. They shall not be placed in driveways, alleys, or non generally traveled public thoroughfares.

B. Notwithstanding provisions of §205(1)(A) of this Part, householders, commercial establishments, or other persons, may, by contract with the collectors, be permitted to place containers at agreed places upon their premises.

§206. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

Part 3

Apartment Houses

§301. Definitions. Unless the context clearly indicates otherwise, the meaning of the terms used in this Part shall be as follows:

APARTMENT, TOWNHOUSE OR CONDOMINIUM - any multiple family structure or complex in which there exist three (3) or more units.

DUMPSTER - a receptacle for solid waste capable of containing not less than two (2) cubic yards.

OWNER - any person, partnership, corporation, or association which is the legal or equitable owner of an apartment as defined in this Part.

SOLID WASTE - any waste, refuse, or discarded material of any nature whatsoever, including, but not limited to garbage, rubbish, paper products, plastic, and ashes generated by or within an apartment as defined in this Part.

§302. Owner Responsible to Have Waste Removed. Each owner shall be responsible to insure that solid waste is collected and hauled away at least once per week.

§303. Penalties. Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 3 continues shall constitute a separate offense.

Part 4

Severability and Effective Date

§401. Severability. In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such acton.

§402. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this _____ day of _____, 1991 A.D.

ATTEST:

TOWNSHIP OF MORRIS

Township Secretary

By: _____
Supervisor

By: _____
Supervisor

(SEAL)

By: _____
Supervisor

Tuesday, May 21, 1991

The Morris Township Board of Supervisors met at the township office for their regularly scheduled meeting.

Present were Supervisors John B. Fonner, Edward Wigman, John B. Clutter, Roadforeman Wilbert Rutan, Zoning Officer Gerald Leighton, Paul Mansberry, Richard Sherburne, Robert Ackley and Mr. and Mrs. Sherburne and Mr. Grasser.

The meeting was called to order at 8:00 pm by Chairman Wigman. Minutes of the previous meeting were read and approved.

In old business, Clutter motioned to adopt Morris Townships first garbage ordinance. Second by Fonner. Supervisors unanimously resolved to adopt the garbage ordinance of 1991.

Secretary stated that there were only two interested garbage haulers that requested an application. The first was D. and D. Disposal of Prosperity and the second was Mr. Lee Helmick of Washington.

Supervisors decided to order a sign from Connally signs of Washington for the township park. The sign is to state "Residents and Guests Only. No Littering Please. No alcoholic beverages permitted." The sign will approximately cost \$50.00.

Concerning the mower, Fonner stated to look in the minutes book around 1988 to see if the two hydraulic plugs were discussed at that time. If secretary cannot find it have Rutan order two hydraulic plugs so that the ~~mower~~ ^{rear blade} can angle.

The supervisors approved Ward Drans subdivision. Must now be sent to the DER for the Planning Module approval.

Wigman talked with Edward Stavovy concerning Mike Donohoos needed septic repairs. Stav stated that the repair inspection fee is \$40.00. Donohoo to do the work and before he covers it up. Stavovy will come and see if the work is satisfactory.

In new business, Wigman stated that there will be a meeting at 7:30 pm on Wednesday, May 22, 1991 at the South Franklin Township Building to discuss the ^{results} of long wall mining to residents property. A water expert will speak. Discussion ensued.

Rutan stated that the truck needs inspected and the windshield needs replaced. Also, it may need three or four more tires. Take truck to Anderson Glass and make an appointment with Briggs tire.

Mr. and Mrs. Sherburne and Mr. Grasser wanted to know if the township knew of Mr. Blaha intentions for his property on Robb Ridge Road. They had heard rumors that Mr. Blaha was putting in a trailer park. The supervisors stated that to their knowlege Mr. Blaha was only putting one trailer on his property. If he were to put one or more trailers on his property in addition to the one already there, Mr. Blaha would have to abide by the ordinance that deals with mobile home parks. Zoning officer Leighton stated that he was told by Mr. Blaha that he was putting one mobile home on his property for his so All felt that it was just rumors at this time.

Wigman stated that Bill Hopwood had a noise study done at his home that is located right near Police 11 near Old Concord. He stated that when the coal trucks for the Baily Mine his home the dB is between 65 and 71. He stated that 45 DB is considered good. Clutter questioned how the township can enforce a noise ordinance. The township is

legally unable to control a state road. Wigman felt a noise ordinance would be a good idea since in the foreseeable future the mine may be placing air hole fans in Morris township. Discussion ensued.

Zoning Officer Leighton had two building permits. The first was for Thomas Whitmer in the amount of \$45.00. The second was for David Dietrick in the amount of \$53.00.

Fonner stated that Clark Miller complained about the townships snow fence being piled up on his property. Rutan stated that it would be moved.

Fonner told secretary to call for three estimates for E-3 Road Oil. Call Russell Industries, Jay Cook and look up the third one from previous bids.

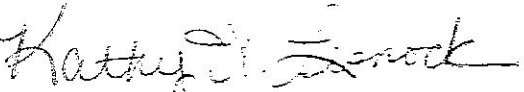
Rutan stated that two sections of fence at the park has been removed. This includes three posts and two rails.

Clutter motioned by pay bills. Second by Fonner.

Motion by Clutter, second by Fonner to adjourn.

Meeting adjourned at 9:20 pm.

Respectfully submitted,



Kathy W. Lesnock
Secretary

174
THE ENFORCEMENT OFFICER FOR THIS BURNING
ORDINANCE WITH IN THE VILLAGE OF PROSPERITY
IS THE FIRE CHIEF OR ANY LINE OFFICER

TOWNSHIP OF MORRIS
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 3 OF 1991

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA,
RESTRICTING OPEN FIRES AND BURNING IN THE VILLAGE OF PROSPERITY BY THE
ESTABLISHMENT OF REGULATIONS, EXCEPTIONS AND DEFINITIONS, DESIGNATING AN
ENFORCEMENT OFFICER, AND PRESCRIBING PENALTIES FOR VIOLATION.

NOW, THEREFORE, the Township of Morris, Washington County, Pennsylvania
hereby enacts and ordains as follows:

Section 1. Definitions. As used in this Ordinance, the following terms
shall have the meanings indicated, unless a different meaning clearly appears
from the context:

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of
Morris.

OPEN FIRE - A fire in which any material is burned in the open or in a
receptacle other than a furnace or incinerator.

PERSON - Any individual, partnership, association, corporation,
department, bureau, agency or other legal entity.

Section 2. Enforcement. The Board of Supervisors of the Township shall
have the power and duty to enforce the provisions of this Ordinance and shall
also pursuant to resolution have the power and authority to designate an
enforcement officer for the purpose of enforcing the provisions of this
Ordinance.

Section 3. Regulations. No person shall ignite or feed an open fire for
the destruction of any material whatsoever in any public or private place
outside any building, or cause, suffer, allow, or permit the maintenance of
any open fire for the destruction of any material whatsoever on any property
under his control outside of any building within the following area of the
Village of Prosperity, Morris Township, Pennsylvania:

An area of the Village of Prosperity, approximately rectangular in shape,
bounded by and including the properties now or formerly of Wigman and Sanders
on the North; bounded by the alley to the East of and running parallel to
Pennsylvania Route 18 on the East; bounded by and including the properties now
or formerly of McClenathen and Kingston on the South; and bounded by an alley
West of and running parallel with Pennsylvania Route 18 on the West.

Exceptions:

1. The restrictions set forth in this Section shall not apply to the

2. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for: (a) the prevention of a fire hazard which cannot be abated by other means; or (b) the protection of public health.

3. Open fires may be set with approval of the Township Supervisors or the authorized enforcement agent of this Ordinance; provided,

(a) branches, other non-putrescible vegetable matter, and other non-hazardous material only are burned,

(b) there is no practical available alternative method for disposal of the material to be burned,

(c) no hazardous or other objectionable condition will be created by such burning.

Section 4. Recreational Burning. Any person desiring to burn for recreational purposes at a time other than permitted by this Ordinance may request a permit for such purpose. A request for a permit for recreational burning must be made 48 hours in advance of the time scheduled for burning and the permit to be issued in response to such request may be issued by any Township Supervisor or the Township Secretary. There shall be no fee for such permit.

Section 5. Penalties. Any person who shall violate any provision of this Ordinance, shall, upon conviction thereof before the District Justice, be sentenced to pay a fine of not more than \$50.00, and/or to imprisonment for a term not to exceed five (5) days.

Section 6. Severability. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be invalidated by such action.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 3rd day of December, 1991 A.D.

ATTEST:

Kathy M. Lesack
Township Secretary

TOWNSHIP OF MORRIS

By: _____
Supervisor

By: John B. Clutter
Supervisor

By: John B. Gannon
Supervisor

(SEAL)

ORDINANCE NO. 1 OF 1992

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE NO. 1, EFFECTIVE JUNE 4, 1973, PROVIDING FOR THE DEFINITION AND REGULATION OF COAL MINING AND MINING RELATED ACTIVITIES IN THE TOWNSHIP OF MORRIS.

WHEREAS, the Supervisors of Morris Township have reviewed the need for regulations to govern coal mining and mining related activities and have determined that certain restrictions on coal mining and mining related activities are desirable and necessary; and

WHEREAS, the Supervisors of Morris Township pursuant to Section 506 of the "Morris Township Zoning Ordinance" have held a public hearing, reviewed the proposed amendment, and determined that the proposed changes are in the best interest of the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

COAL MINING, UNDERGROUND: All underground areas within a continuous barrier of undisturbed coal from which such coal is extracted.

COAL MINING FACILITIES, UNDERGROUND: Structures and installations necessary to the operation of an underground coal mine which shall include slopes, shafts or portals for the primary purpose of gaining access from the surface to an underground coal mine by persons or equipment to mine and remove coal, coal preparation and cleaning plants and related equipment, ponds and treatment facilities, coal refuse disposal areas, silos for storage of coal, access roads, above ground repair, personnel areas and structures, transport facilities, railroad systems servicing the mine, concrete or batch plants, crushers, and all other equipment and facilities used in connection with underground coal mining, coal preparation activities, coal exploration activities, and coal refuse disposal activities. Facilities used by state and federal regulatory agencies are not included in this definition.

COAL MINING ADJUNCT FACILITY: A support facility, not a coal mining facility, required for and used only in connection with an underground coal mine which is to:

- a. Supply air or power, including power line rights-of-way, to the underground coal mine;
- b. Ventilate air or gas from the underground coal mine, which shall include fans and fans buildings;
- c. Remove water from the underground coal mine; and
- d. Mine effluent treatment facilities.

COAL MINE CONVEYER: A mechanical contrivance utilizing belt, chain or chute type devices to transport products, overland or underground, from coal mining operations via owned land holdings, acquired right-of-way or easements.

COAL TIPPLE AND CLEANING PLANT: A coal mining facility utilized for bringing coal and related substances from an underground coal mine to the surface for the storing, processing, classifying, and transporting of coal.

COMMERCIAL (Business): Engaging in a business, enterprise, activity or other undertaking related to or connected with trade or commerce in general.

EXTRACTIVE OPERATIONS: Surface mining of coal, earth removal, stone removal or quarrying, and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents are removed as a business activity.

MINE DISPOSAL AREAS: Areas used for the deposit of mine waste and located at a minimum distance of five hundred feet from any other lot in any zoning district.

PORTAL, COAL MINING: A coal mine facility utilized for the access and egress of men and materials in underground coal mine operations.

SURFACE MINING: The extraction of minerals from the earth, from waste or stock piles, or from pits or banks by activities conducted upon the surface of the land that require the removal of the overburden, strata or material overlying, above or between the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, dredging, quarrying, leaching, slope top removal, box cutting, and activities related thereto. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

TIPPLES, COAL: A coal mine facility utilized for the processing, loading and storing of coal.

VENTILATING SHAFTS: A coal mine adjunct operation consisting of a structure and appurtenant facilities to permit the introduction and removal of air and other gases from underground coal mines, including degasification bore holes and related facilities and equipment.

Section 2. Amendment of Table 201. That Table 201 of the "Morris Township Zoning Ordinance", effective June 4, 1973, to be amended to include underground coal mining facilities, coal mining adjunct facility, coal mine conveyor, and extractive operations as conditional uses in the A-1 Agricultural, R-1 Residential and B-1 Business areas of the Township.

Section 3. Regulation of Coal Mining and Extractive Operations and Activities. In addition to complying with all the requirements of Article Four of the "Morris Township Zoning Ordinance" relating to the application for

and approval of a conditional use, no activities or operations relating to underground coal mining facilities, coal mining adjunct facility, coal mine conveyor, or extractive operations shall be permitted within the Township except upon application made and subject to the following requirements and conditions:

a. All conditional uses set forth herein are subject to the lot, area and dimensional requirements as set forth in Table One which is attached hereto. Further, all conditional uses granted hereunder will be subject to such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Governing Body may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code. Such conditions may relate to such things as maximum building height and any other conditions which the Governing Body may consider reasonable and appropriate for the proposed conditional use.

b. Plugging operations for existing oil and gas wells and exploration or core test borings shall not require conditional use approval and are permitted uses in any zoning district, provided that the coal operator complies with all applicable state and federal regulations.

c. Underground coal mining facilities and coal mining adjunct facilities.

(1) As a condition to the continued validity of any conditional use permit issued by the Township, the owner or operator will certify to the Township that it is obtaining or has obtained all permits and approvals required by state and federal laws, regulations, rules, enforcement orders and conditions for the proposed use. The owner or operator shall file with the Township Secretary, upon request, a copy of each state or federal application with supporting documentation, or permit, for the proposed use.

(2) The application shall include a development and operation plan. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved, shall be included.

(A) A description of the character, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from public roads, and area and extent of the proposed activity.

(B) The location and identity of ownership of all structures and land uses that will or may be adversely affected by the proposed operation, and measures that will be taken to protect all structures, inhabitants and land uses from adverse impacts from the proposed use.

(C) Plans for restoring and reclaiming all involved areas following discontinuance of the underground mining.

(D) A description of plans for: transportation of materials and equipment to construct the facility; measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment; and procedures for repairing any damages to the roads which may occur as a result of this activity. Owners, operators, and other persons engaged in underground coal mining activities or coal mining adjunct activities shall comply with ORDINANCE NO. 1 OF 1982 of the Township of Morris concerning weight limitations for vehicles, permits for transport of overweight vehicles, and for posting of bond for transport of overweight vehicles.

(E) A description of how the proposed use and facility will meet all applicable regulations concerning construction standards, sewage disposal, water supply and fire protection.

(F) A site plan of the proposed facility showing all structures, facilities accessways, fencing and screening provisions.

(3) Every bore hole shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.

(4) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a ventilating shaft shall be not less than one (1) acre and such ventilating shaft shall not be located within 100 feet of any property line. Open areas shall be covered with an appropriate vegetative material and properly maintained. Suitable baffles shall be utilized to protect the adjacent properties from noise of exhaust fans consistent with the following requirements:

(A) Maximum noise level 65 dBA as measured 100 feet from the source.

(5) All operational structures and other facilities which may present a hazard or danger of injury to the public or animals shall be completely enclosed by a metal fence not less than six (6) feet high, with the top portion above the height of six (6) feet (above ground level) to be constructed of barbed wire or other security material with the entire fence being constructed in such a manner so as to prevent the entry onto that portion of the premises where the hazard or danger exists by unauthorized persons, domestic animals or livestock. The governing body may require such other fencing as may be necessary to protect the safety and welfare of the public.

(6) For all ventilating shafts, fans, degasification bore holes, and any other coal mining facilities or structures which the Governing Body deems screening necessary for the safety, health and welfare of the public that are visible from any structure used for residential, cultural, social, educational, recreational, religious or similar purposes in any zoning area of

the Township, there shall be a buffer strip of land planted and maintained for screening purposes. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. The plants shall be of a kind, or used in a manner to provide proper and adequate screening within twelve (12) months after commencement of operations in the area to be screened. The Governing Body may permit the screening requirement to be fulfilled by natural or topographical features as determined upon a case-by-case review of the Conditional Use Application. The Governing Body shall require that either new planting or alternative screening be provided if after twelve (12) months, the plant materials do not provide a suitable screen.

(7) The applicant shall have acquired sufficient level or equitable interest in the real property in which the site of the Adjunct Coal Mining Facility is located to provide a basis for seeking the use permits.

(8) As a condition to the continued validity of any conditional use permit issued by the Township, the applicant shall have applied for or obtained from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. The applicant, upon request of the Township, shall certify to the Township that all state and federal permits have been obtained for the proposed use, and upon request of the Township furnish copies of such federal and state applications and permits as may be requested.

(9) All uses in conjunction with a Conditional Use Permit issued by the Township Supervisors pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Township as part of the application for the Conditional Use Permit.

(B) Compliance with all state and federal laws and regulations relating to the approval, development and operation of the underground coal mine and the related Coal Mining Adjunct Operations.

(C) The correction within a reasonable time after final determination of any violation by the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the conditional use.

d. Coal Mine Conveyor.

(1) The Conditional Use Application shall include a site plan, drawn to scale, of the entire proposed conveyor system. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved shall be included.

(A) The physical location of the proposed facility showing all structures, facilities, fencing, screening and related features from the beginning point of the system to the termination point.

(B) Contours at a minimum interval of twenty feet.

(C) A delineation of the conveyor right-of-way routing which identifies parcels by ownership, easement or other instruments or agreements by which access and use will be achieved.

(D) The location of all public and private rights-of-way which traverse the conveyor corridor.

(E) The location and identity of ownership of all structures and land uses that will or could be adversely affected by the proposed facility.

(F) A listing of provisions and measures that will be utilized to protect persons, properties and activities from adverse impacts resulting from the proposed construction and use of the conveyor facility. Fencing or other security measures may be specified by the Township Supervisors if they determine that there is a reasonable possibility that dangerous conditions will be created with respect to persons or property as a result of the construction or operation of the facility.

(2) Documentation shall be submitted to verify ownership, easements or other instruments or agreements for corridor access and use.

(3) A coal mine conveyor shall not be constructed within 300 feet of any occupied building in conformity with state requirements.

(4) All surface areas of the corridor shall be covered with an appropriate vegetative material and properly maintained at all times.

(5) All uses in conjunction with a Conditional Use Permit issued by the Township of Supervisors pursuant to this Section shall comply with the following additional performance standards:

(A) Compliance with all of the plans submitted to the Township as part of the application for the Conditional Use Permit.

(B) Compliance with any and all state and federal laws and regulations relating to the approval, development and operation of the facility.

(C) The correction within a reasonable time after final determination of any violation of the mine owner or operator of any local, state or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the underground mine or the conditional use for the conveyor.

(6) As a condition to the continued validity of any Conditional Use Permit issued by the Township, the applicant shall obtain or shall have obtained from each appropriate state and federal regulatory agency or authority, a permit for the proposed use in accordance with all applicable state and federal laws and regulations. Upon request of the Township, the applicant shall furnish to the Township copies of any such federal and state applications and permits as may be requested.

e. Extractive Operations.

(1) A Conditional Use Approval shall be obtained for surface extraction (stripping). All applications submitted for consideration of the Township Planning Commission and Board of Supervisors shall include, at a minimum, the following documentation, and all other pertinent data deemed necessary to process the application. Extractive operations are not intended to include above-ground or below-ground activities associated with an underground coal mining operation.

(A) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits;

(B) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil or other material to be removed in connection with the proposed extractive operation;

(C) An analysis of the possible impact of extractive operations upon ground water supplies in all affected areas of the Township and the measures that will be taken to guarantee that any loss, diminution or pollution of water supply will be corrected;

(D) The location and identity of ownership of all structures and land uses that may be affected by the proposed operation, and the measures that will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation;

(E) Plans for the restoration or reclamation of all land affected by the extractive operation;

(F) Receipt of a certification from each state or federal agency or authority having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation, that the owner or operator seeking the Conditional Use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority and that such will be granted, together with an undertaking to promptly advise the Township Supervisors within thirty (30) days of any event which would constitute a violation of any requirement for the issuance or continued validity of any such permit, license or grant of authority or any condition thereto;

(G) A description of plans for the transportation of materials, products and equipment to be used, removed from, or marketed in connection with the proposed extractive operation including routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.

(2) No top-of-slope or quarry wall shall be located closer than 100 feet to any property or street line. The perimeter surrounding the area of operation shall be fenced with a fence of minimum height of eight (8) feet to prevent access by both animals and children.

(3) No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted in the A-1 Agricultural District or other areas of the Township.

(4) The removal designated in the permit shall be begun within a sixty (60) day period from the date of issuance of a permit, or the permit shall be revoked at the expiration of said period.

(5) The designated operator shall complete operation within a period of time as designated in the permit. Upon expiration of the period of time as set forth therein, the operator must cease operations and commence backfilling and scar removal as hereinafter provided. The operator may present to Township Supervisors a request for an extension of time, which may be granted if the operator was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the Township, the operator must cease operations as previously stated. Failure of the operator to cease operations shall constitute a violation of this Ordinance and shall be subject to penalties provided herein.

(6) Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the Township Supervisors for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by the Township Engineer, and be reconstructed to Township specifications.

(7) The backfilling operation, after all surface excavation is completed, shall re-establish a satisfactory vegetative ground cover that will deter soil erosion and eventually rebuild the soil. Legumes such as Crownvetch and rye grass and/or plantings or evergreens or deciduous trees, shall be planted in accordance with Soil Conservation, U.S. Department of Agriculture recommendations.

(3) The stripping and selling of topsoil and/or sod shall be permitted only under the following conditions:

(A) When it is part of the construction or alteration of a building or the grading incidental to such building activity;

(B) When it is in conjunction with normal lawn preparation and maintenance;

(C) When it is in conjunction with the construction or alteration of a street or utility improvement;

(D) In commercial sod farms or farming operations where such use is permitted, provided that sound soil practices are observed.

Section 4. Performance Standards.

a. Special Standards for Steady-State Noise Emanated from Stationary Equipment - Steady-state noise emanated from stationary equipment or sources, which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the Township, shall not exceed the maximum noise levels prescribed in this Section.

(1) Definitions. Any terms used in this Section, which are not otherwise defined in this Ordinance or as hereafter prescribed, shall be interpreted in conformity with the applicable publication of the American National Standards Institute or its successor body.

(A) "Noise" means any sound that annoys or disturbs humans or tends to cause an adverse psychological or physiological effect on humans.

(B) "Steady-State Sound" means any sound from which the output of the source remains constant throughout the period of measurement.

(C) "A-weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

(D) "Person" means any individual, public or private corporation, governmental agency, bureau or department of the State, municipal industry, co-partnership or association.

(E) "Source Property" means any real property, the activities upon which are contributing to the ambient noise level around the boundary of the property.

(F) "Receiving Property" means real property within which the maximum noise specified shall not be exceeded from sources outside such property.

(G) "Receiving Building" means any building used primarily for human habitation, sleeping, cultural, social, educational, recreational, religious or similar activities at which the maximum noise specified shall not be exceeded from sources outside the property upon which the building is located.

(2) No person shall cause or permit any steady-state sound to emanate from a source property which exceeds the levels set forth in paragraph (3) of this Section when measured at the following locations:

(A) Within 25 feet of any Receiving Building located in any district;

(B) At any point along the boundary line between the Source Property and the Receiving Property in any District.

(3) Maximum permissible noise levels are 65 dBA.

(4) Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications S1, 4-1971.

(5) All noise measurement procedures used to determine compliance with the conditions and standards of this Section shall be conducted so as to accurately and validly describe the noise levels which are the object of the measurement, taking into consideration and to exclude to the degree practicable unrelated contributions from the overall ambient noise environment.

(6) The performance standards set forth in this Section relating to steady-state noise emanated from stationary equipment or sources may be waived by the Township during the construction phase of any above-ground facility or installation associated with underground coal mining.

b. Vibrations - Vibrations detectable without instruments on neighboring property in any district shall be prohibited. This subparagraph concerning vibrations shall not be applicable to blasting when the coal mine owner or operator, or other persons or entities has obtained a valid Department of Environmental Resources permit for blasting.

c. Odor - No malodorous gas or matter that is discernable on any adjoining lot or property shall be permitted.

d. Air Pollution - Except in the event of the use as an underground Coal Mine or a Coal Mine Adjunct Operation, which shall comply with applicable state and federal laws, regulations and requirements with respect to air pollution, no pollution of air by flyash, dust, smoke, vapors, or any substance that is harmful to health, animals, vegetation or other property shall be permitted.

e. Glare - Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

f. Erosion - No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.

g. Water Pollution - Water pollution in violation of any standards established by the Pennsylvania Department of Environmental Resources shall not be permitted.

Section 5. Enforcement, Penalties and Remedies. This Amendment shall be enforced in the same manner as set forth in the "Morris Township Zoning Ordinance".

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

Section 7. Conflict. If the standards and regulations established in this Ordinance are or come into conflict with the standards and regulations of the "Morris Township Zoning Ordinance" in effect in Morris Township, the standards and regulations in this Ordinance shall prevail.

Section 8. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

Section 9. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 19 day of MAY, 1992 A.D.

ATTEST:

[Signature]
Township Secretary

TOWNSHIP OF MORRIS

By: [Signature: Edward Wigman]
Supervisor

(SEAL)

By: [Signature]
Supervisor

By: [Signature: John B. Gorman]
Supervisor

d:dar/coal

TABLE ONE

LOT, AREA AND DIMENSIONAL REQUIREMENTS

The following requirements shall apply to Conditional Uses in the A-1 Agricultural, R-1 Residential, and B-1 Business areas:

| <u>CONDITIONAL USE</u> | Minimum Lot Area (Acres) | Minimum Lot Width (Feet) | Minimum Front Setbacks (Feet from ROW) | Minimum Side Yard (Feet) | Minimum Rear Yard (Feet) | Minimum Building Height (Feet) | Maximum Lot Coverage |
|-------------------------------------|-----------------------------|-----------------------------|---|-----------------------------|-----------------------------|-----------------------------------|----------------------|
| 1. Underground Coal Mine Facilities | 10 | 300 | 150 | 100 | 100 | * | 35% |
| 2. Coal Mining Adjunct Facility | 1 | 250 | 100 | 100 | 100 | * | 10% |
| 3. Coal Mine Conveyors | N/A | 150 | N/A | N/A | N/A | * | N/A |
| 4. Extractive Operations | 10 | 500 | 100 | 100 | 100 | * | N/A |

* Conditions with respect to Maximum Building (structure) Height will be determined by the Governing Body (Morris Township Supervisors) on a case-by-case basis upon submission by any applicant to the Township of an application for a conditional use permit. The Governing Body may attach such reasonable conditions and safeguards as it may deem necessary.

ORDINANCE NO. 3 OF 1993

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE NO. 1, EFFECTIVE JUNE 4, 1973.

WHEREAS, the Supervisors of Morris Township on June 4, 1973 adopted Zoning Ordinance No. 1; and

WHEREAS, the Supervisors of Morris Township on May 19, 1992 adopted as Ordinance No. 1 of 1992 certain amendments to the June 4, 1973 Zoning Ordinance; and

WHEREAS, the Supervisors of Morris Township have reviewed the need to amend further the May 19, 1992 Ordinance No. 1 of 1992; and

WHEREAS, the Supervisors of Morris Township pursuant to Section 506 of the "Morris Township Zoning Ordinance" have held a public hearing, reviewed the within proposed amendment, and determined that the proposed changes are in the best interests of the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania, that the June 4, 1973 Zoning Ordinance No. 1 of Morris Township and the May 19, 1992 Ordinance No. 1 of 1992 of Morris Township are hereby amended as follows:

Section 1. Definitions. The following paragraph in Ordinance No. 1 of 1992 is hereby deleted:

MINE DISPOSAL AREAS: Areas used for the deposit of mine waste and located at a minimum distance of five hundred feet from any other lot in any zoning district.

In its place the following paragraph is hereby substituted:

MINE DISPOSAL AREA: Areas used for the deposit of mine waste and located not less than three hundred (300) feet from any occupied dwelling, unless waived by the owner thereof; provided however, under no circumstances shall the deposit of mine waste be closer than fifty (50) feet from the property line.

The following paragraph is hereby added:

PROPERTY LINE: Property line shall mean the perimeter of the contiguous land surface area under the coal operator's control, whether such control is in the nature of a deed in fee simple, leasehold, easement, license, or other legal interest.

Section 3.a: The following paragraph in Ordinance No. 1 of 1992 is hereby deleted:

a. All conditional uses set forth herein are subject to the lot, area and dimensional requirements as set forth in Table 1 which is attached hereto. Further, all conditional uses granted hereunder shall be subject to such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the governing body may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code. Such conditions may relate to such things as maximum building height and any other condition which the governing body may consider reasonable and appropriate for the proposed conditional use.

In its place the following paragraph is hereby substituted:

a. All conditional uses granted hereunder will be subject to such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as governing body may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code. Such conditions may be related to such things as lot sizes, set backs, maximum building height and any other conditions which the governing body may consider reasonable and appropriate for the proposed conditional use.

Table 1 entitled "Lot, Area and Dimensional Requirements" appearing on Page 12 of Ordinance No. 1 of 1992 is hereby deleted and removed from the Zoning Ordinance and the amendments thereto.

Section 3(c)(4). The following paragraph in Ordinance No. 1 of 1992 is hereby deleted:

(4) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a ventilating shaft shall be not less than one (1) acre and such ventilating shaft shall not be located within one hundred (100) feet of any property line. Open areas shall be covered with an appropriate vegetative material and properly maintained. Suitable baffles shall be utilized to protect the adjacent properties from noise of exhaust fans consistent with the following requirements:

(A) Maximum Noise Level 65dBA as measured one hundred (100) feet from the source.

In its place the following paragraph is hereby substituted:

(4) Every ventilating shaft, including all structures intended to supply air or power to underground coal mines, shall be constructed and landscaped in a manner appropriate to the district in which it is located. The lot for a ventilating shaft (except for degasification bore holes which are not subject to

this limitation) shall not be less than one (1) acre, and each such ventilating shaft shall not be located less than three hundred (300) feet from any occupied dwelling, unless waived by the owner thereof. Open areas shall be covered with an appropriate vegetative material and properly maintained. The adjacent properties shall be protected from the noise of exhaust fans consistent with the following requirements:

- (A) The maximum noise level of 65 dBA as measured at the property line;
- (B) The use of reasonable noise reduction technology available at the time of the application, if required after a consideration of all relevant factors, including but not limited to topography, elevation, fan orientation, surrounding vegetation, population density, and population distance in order to meet the standards set forth in Subparagraph (A) above.

Section 3(d)(3): The following paragraph in Ordinance No. 1 of 1992 is hereby deleted:

- (3) A coal mine conveyor shall not be constructed within three hundred (300) feet of an occupied building in conformity with state requirements.

In its place the following paragraph is hereby substituted:

- (3) A coal mine conveyor shall not be constructed within three hundred (300) feet of any occupied dwelling, unless waived by the owner thereof.

Section 10. Effective Date. This Ordinance shall be effective as of the date of its enactment.

ORDAINED AND ENACTED into an Ordinance this 3 day of AUGUST, 1993, A.D.

ATTEST:

[Signature]
Township Secretary

(SEAL)

TOWNSHIP OF MORRIS

By: [Signature]
Supervisor

By: [Signature]
Supervisor

By: [Signature]
Supervisor

ORDINANCE NO. 1 OF 1998

CONFIRMING THE JOINDER BY MORRIS TOWNSHIP WITH CERTAIN OTHER TOWNSHIPS IN A COOPERATIVE AGREEMENT KNOWN AS "LOCAL COOPERATIVE SANITATION COUNCIL" DATED JULY 7, 1998, DELEGATING TO SAID COUNCIL THE POWERS TO CARRY OUT THE RESPONSIBILITIES AND DUTIES MANDATED BY THE PENNSYLVANIA SEWAGE FACILITIES ACT OF JANUARY 24, 1966 (Act No. 237) AND ITS AMENDMENTS AND SUPPLEMENTS, AND TO RECEIVE THE BENEFITS ARISING THEREFROM, DEFINING THE CONDITIONS THEREOF, THE DURATION OF SAID AGREEMENT, ITS PURPOSE AND OBJECTIVES, METHODS OF FINANCING AND THE ORGANIZATION STRUCTURE, AND AUTHORIZING THE EXECUTION OF THE NECESSARY CONFIRMATORY AGREEMENT.

WHEREAS, Morris Township, Washington County, pursuant to a resolution duly adopted by its Board of Supervisors, entered into a Local Government Cooperative Agreement dated July 7, 1998, pursuant to the authority of the Act of July 12, 1972, known as Act No. 180 (53 P.S. 481) creating an organization known as "Local Cooperative Sanitation Council" for the purpose of cooperating in carrying out the duties and responsibilities mandated by the Sewage Facilities Act (No. 237); and

WHEREAS, Section 5 of Act No. 180 (53 P.S. 485) requires that such action be accomplished by the enactment of an Ordinance; and

WHEREAS, the said Local Cooperative Agreement outlines the powers delegated to the Council, specifies the duration and method of terminating said Agreement, defines its purpose and objectives, outlines the manner of financing, sets up the organization structure for carrying out its functions, all as mandated by Section 7 of Act No. 180, a copy of said Agreement being attached hereto;

NOW, THEREFORE, it is ordained and enacted by the Board of Supervisors of Morris Township as follows:

1. That the execution, by the duly authorized officers of this Township, the Local Government Cooperative Agreement dated July 7, 1998, creating the "Local Cooperative

Sanitation Council" is hereby ratified, confirmed, and approved with the same force and effect as if it had been authorized by Ordinance enacted prior to its execution.

2. That the Chairman and Secretary of the Board of Supervisors be and they are hereby authorized to execute on behalf of the Township the Agreements necessary to carry into effect the purposes of this Ordinance.

3. That this Ordinance shall become effective five (5) days from the enactment hereof.

ORDAINED AND ENACTED into an Ordinance this 11th day of August, 1998 A.D.

ATTEST:

TOWNSHIP OF MORRIS

[Signature]
Township Secretary

By: Edward Wignar
Chairman

(SEAL)

By: Wilbert L. Putnam
Supervisor

By: Paul S. Shaver
Supervisor

TOWNSHIP OF MORRIS
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2 OF 1998

AN ORDINANCE OF THE TOWNSHIP OF MORRIS DEFINING AND PROHIBITING DANGEROUS STRUCTURES AND BUILDINGS WHICH CONSTITUTE PUBLIC NUISANCES; ESTABLISHING STANDARDS FOR REPAIR, VACATION AND DEMOLITION THEREOF; DETERMINING THE DUTIES OF THE ZONING OFFICER AND AUTHORIZING HEARINGS BY THE TOWNSHIP SUPERVISORS PROVIDING FOR ABATEMENT PROCEDURES IN EMERGENCY AND NORMAL CIRCUMSTANCES; PROHIBITING THE REMOVAL OF NOTICES AND PRESCRIBING PENALTIES FOR VIOLATION.

The Supervisors of the Township of Morris hereby ordain and enact:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- B. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;

E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;

F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;

G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;

H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public;

I. Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of Morris Township.

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION - control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

GARBAGE - animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - presence, within or around a dwelling, of any insects, rodents or other pests.

OWNER - person who, alone or jointly or severally with others:

1. shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
2. shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person

thus representing the actual owner shall be bound to comply with the provisions of this ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON - any individual, firm, corporation, association or partnership, or other legal entity.

PROPERTY - a piece, parcel, lot or tract of land.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

Whenever the words "dwelling", "dwelling unit", or "premises", are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof".

Section 2. Dangerous Buildings Declared Nuisances. All dangerous buildings within the terms of section 1 of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

Section 3. Standards for Repair, Vacation, or Demolition. The following standards shall be followed in substance by the Zoning Officer of Morris Township in ordering repair, vacation, or demolition:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered to be repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.
3. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Zoning Officer. The Zoning Officer shall remove such placard whenever the defect or defects upon which the placarded action were based have been eliminated.

4. If a dangerous building is fifty percent (50%) or more damaged or decayed; or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this ordinance; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of Morris Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is proposed.

Section 4. Duties of Zoning Officer.

1. The Zoning Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of section 1 above.

2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Zoning Officer shall issue a written notice to the person or persons responsible therefor. The notice:

A. shall be in writing;

B. shall include a statement of the reasons it is being issued;

C. shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure;

D. shall be served upon the owner, or his agent, or the occupant, as the case may require.

(1) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

(2) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices or order provided for herein shall be sent by certified mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice

shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

E. may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with the rules and regulations adopted pursuant thereto.

3. Appear at all hearings conducted by the Supervisors of Morris Township as to the condition of dangerous buildings.

Section 5. Hearings.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, may request and shall be granted a hearing on the matter before the Supervisors; provided, that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed.

2. After such hearing the Supervisors shall sustain, modify or withdraw the notice. If the Supervisors sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for a hearing is not filed with the Township Secretary within ten (10) days after such notice is served.

3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

Section 6. Removal of Notice Prohibited. No person shall remove or deface the notice of dangerous building, except as provided in section 3(3).

Section 7. Emergency Cases. Whenever the Zoning Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Zoning Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been

complied with, the Zoning Officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous buildings shall be collected in the same manner as provided herein for other cases.

Section 8. Abatement by Morris Township. If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Zoning Officer within the time specified in the notice issued by him and no petition for a hearing is filed within ten (10) days thereafter, or following a hearing by the Supervisors where the order is sustained thereby, the Zoning Officer shall cause such building or structure to be repaired, vacated, or demolished, as determined by the Supervisors in accordance with the standards hereinbefore provided. The Township may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

Section 9. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), and in default of payment thereof to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

Section 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 11. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 12. Effective Date. This ordinance shall become effective five (5) days after its enactment.

ATTEST:


Township Secretary

(SEAL)

TOWNSHIP OF MORRIS

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 OF 2001

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, PROHIBITING EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISE AND LOUD AMPLIFYING DEVICES; ESTABLISHING FINES AND PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Board of Supervisors of Morris Township is desirous of prohibiting any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township; and

WHEREAS, the Board of Township Supervisors is desirous of prohibiting the use of loud amplifying devices to produce the aforesaid noise; and

WHEREAS, Section 1529 of the Second Class Township Code, 53 P.S. §66529 authorizes the Board of Supervisors to prohibit nuisances, such as loud and unnecessary noise.

NOW, THEREFORE, be it ordained and enacted by the Board of Township Supervisors of Morris Township and it is hereby ordained and enacted as follows:

Section One. It shall be unlawful for any person to unnecessarily and repeatedly sound the horn of any vehicle or use any loud signaling device thereon, on any street or public places of the Municipality, except as a danger warning or except when used on an emergency vehicle or vehicle on an emergency business use.

Section Two. No person shall operate or cause to be operated, any audio amplification or reproduction device including but not be limited to an oversized hand carried radio, cassette, compact disc player, or one that is installed in or audio powered by a vehicle, on any Township street or sidewalk, in any Township park, or on any public conveyance, or in any other public property in excess of the limits set forth in Section 8, below.

Section Three. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations from 9:00 P.M. to 8:00 A.M. of the following day, except for emergency work on public improvements, work of public service utilities, and municipal services.

Section Four. No person shall make any unnecessary noise in the vicinity of any hospital, or church during hours of public worship, or school during school hours.

Section Five. No person shall cause, permit or continue any excessive, unnecessary and avoidable noise in the operation of a motorcycle, trail bike or other motorized two, three or four-wheeled vehicle between 9:00 P.M. and 8:00 A.M. Any motorcycle, trail bike, or other motorized two, three, or four-wheeled vehicle must be equipped with a muffler to meet current noise level.

Section Six. No person shall operate any automobile, motorcycle or other motor vehicle so out of repair, so loaded or in any such manner as to create any loud and unnecessary grating, grinding, rattling or other unnecessary noise.

Section Seven. A person shall be considered to be in violation of any of the above sections if the loud and unnecessary noise cause by any of the aforesaid activity generates an A-weighted sound level in excess of 65dB(a) measured at the property line nearest the origin of such noise.

Section Eight. Sound levels as described in the previous Sections shall be measured with a sound level measuring device, either Type I or Type II as defined by the American National Standards Institute specifications. Section 1.4-1971.

Section Nine. A person shall be exempt from the aforesaid prohibitions as follows: if any audio amplification, reproduction device horn or loud signaling device is being operated to request assistance or warn of a hazardous situation; if the device is used on an authorized emergency vehicle or a vehicle operated by a gas, electric, communication or water utility; or State or Municipal Road Department; the device is being used in connection with a parade, political activity, amusement activity or

community event that is being conducted under any permit issued by the Township and is otherwise in compliance with all applicable codes of Morris Township and furthermore that the recommended sound level is not exceeded between the hours of 9:00 P.M. and 8:00 A.M.

Section Ten. The provisions of this Ordinance shall not apply to noise emanating from an agricultural operation as "agriculture" is defined in the Morris Township Zoning Ordinance.

Section Eleven. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 for the first offense, and a mandatory fine of \$600.00 for the second or any subsequent offense; and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense. This provision shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Section Twelve. Any violation of the provisions of this Ordinance is hereby declared a public nuisance, disturbing the peace and injurious to the public interest and shall be abated immediately. Abatement of a public nuisance as declared in this Ordinance may be enforced in an action in equity by the Township or any aggrieved person.

Section Thirteen. If the standards and regulations established in this Ordinance are or come into conflict with the standards and regulations of any other ordinance in effect in Morris Township, the standards and regulations of the other ordinance in effect shall prevail.

Section Fourteen. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this Ordinance would have been adopted had such

unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

Section Fifteen. This Ordinance shall become effective five days after its enactment.

ORDAINED AND ENACTED into an Ordinance this 6th day of February, 2001 A.D.

ATTEST:

TOWNSHIP OF MORRIS

Kathleen J. Frank
Township Secretary

By: Edward Wignar
Supervisor

(SEAL)

By: [Signature]
Supervisor

By: Robert L. Rutar
Supervisor

ORDINANCE NO. 2 of 2001

AN ORDINANCE OF MORRIS TOWNSHIP,
WASHINGTON COUNTY, COMMONWEALTH OF
PENNSYLVANIA, ELECTING TO JOIN THE
PENNSYLVANIA MUNICIPAL RETIREMENT
SYSTEM UNDER ARTICLE IV OF THE
PENNSYLVANIA MUNICIPAL RETIREMENT LAW:
AGREEING TO BE BOUND BY ALL PROVISIONS OF
THE PENNSYLVANIA MUNICIPAL RETIREMENT
LAW AS AMENDED AND AS APPLICABLE TO
MEMBER MUNICIPALITIES JOINING UNDER THE
PROVISIONS OF THIS ARTICLE: STATING WHICH
OF CERTAIN OPTIONS PERMITTED UNDER THE
SAID LAW ARE ACCEPTED BY THE TOWNSHIP. IT
IS HEREBY ORDAINED BY MORRIS TOWNSHIP,
WASHINGTON COUNTY, AS FOLLOWS:

SECTION I. Morris Township hereby elects to enroll its municipal employees in the Pennsylvania Municipal Retirement System, established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, with the express purpose of having the Pennsylvania Municipal Retirement System administer the pension plan established for the municipal employees of the Township. Morris Township does hereby agree to be bound by all the requirements and provisions of said Law, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Law. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement System.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

SECTION III. Credit for service toward the annuity of each original member shall begin to accrue upon the effective date of the agreement between the Township and the Pennsylvania Municipal Retirement System. However, for purposes of determining eligibility for early retirement and vesting, credited service shall accrue from each original member's date of hire. Benefits provided to members in the agreement dated June 19, 2001, shall accrue based on all credited service granted and earned in accordance with this section.

The Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION IV. Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Morris Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V. As part of this ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Board and Morris Township, dated June 19, 2001; The passage and adoption of this ordinance by the Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.

SECTION VI. By adoption of this ordinance, the Township agrees to terminate, upon the effective date of membership in the Pennsylvania Municipal Retirement System, any previously maintained municipal pension program applicable to those employees identified as members in Section II of this ordinance and to transfer any assets from any existing plan to offset the established liability. Morris Township also acknowledges that an affirmative vote representing at least seventy-five percent (75%) of the plan members indicated the members were in agreement with the establishment of the plan with the Pennsylvania Municipal Retirement System.

SECTION VII. Morris Township intends this ordinance to be the complete authorization of the Township's municipal pension plan

SECTION VIII. A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Morris Township in the Pennsylvania Municipal Retirement System shall be effective the first day of May, 2001.

ORDAINED this 19th of June, 2001.

TALLY OF VOTES - YEAS 3 NAYS 0

ATTEST:

Kathy A. Snock
Secretary

LAP:TMP:kagm
4/24/01

Edward Wignar Chairman
Jeffrey Vice-Chairm
Wilbert L. Rutan Member

MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2004

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND ENFORCE THE BUILDING CODE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT; ADOPTING THE UNIFORM CONSTRUCTION CODE (UCC) AS THE MUNICIPAL BUILDING CODE; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE; PROVIDING FOR A BOARD OF APPEALS; GOVERNING THE EFFECTIVENESS OF EXISTING ORDINANCES; AND PROVIDING FOR ADOPTION OF FEES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of this Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.

2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

3. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:

- a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;

- c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;
- e. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

4. A Board of Appeals shall be established by resolution of the governing body of this Municipality in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

5.a. All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

b. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

c. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the governing body by resolution from time to time.

7. This Ordinance shall be effective five days after the date of passage of this Ordinance.

8. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

DULY ENACTED AND ORDERED this 5th day of June, 2004, by
the Supervisors of Morris Township in public session duly assembled

TOWNSHIP OF MORRIS

By: *Jeffrey*
Supervisor

By: *David Deitch*
Supervisor

By: *William E. Hester*
Supervisor

ATTEST:

Janet G. ...
Township Secretary

(Municipality Seal)

**MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2 of 2004**

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT AMONG PARTICIPATING MUNICIPALITIES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF ACT 45 OF 1999, PENNSYLVANIA CONSTRUCTION CODE (UCC).

WHEREAS, Morris Township, by Ordinance No. 1 of 2004, adopted the 15th day of June, 2004, elected to administer and enforce the provisions of the UCC and its regulations; and

WHEREAS, the administration and enforcement of the UCC within the Township may be undertaken by the retention of one or more construction code officials or third parties agencies to act on behalf of the Township and/or by agreement with one or more other municipalities for the joint administration and enforcement of the UCC through an intermunicipal agreement; and

WHEREAS, the UCC requires a Board of Appeals to be established by resolution of the Township; and

WHEREAS, the UCC provides that if enforcement and administration of the UCC is undertaken jointly with one or more of the municipalities, a Board of Appeals shall be established by joint action of the participating municipalities; and

WHEREAS, municipalities are authorized by law to enter into an intermunicipal agreement for the administration and enforcement of the UCC; and

WHEREAS, it is the desire of certain municipalities to enter into said intermunicipal agreement.

NOW, THEREFORE, BE IT ENACTED and ORDAINED, by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, and it is hereby Ordained and Enacted by the authority of the same as follows:

1. That the Township of Morris does hereby enter into a Intermunicipal Agreement, a copy of which is attached hereto as Exhibit "A". Said agreement to be executed in the name and under the corporate seal of the Township by the Chairman and attested to by the Secretary of the Township.

2. The term of said Intermunicipal Agreement will terminate no earlier than five (5) years following the effective date and shall continue with full force and effect for a subsequent five (5) more years following the effective date unless terminated by one or more of the participating municipalities pursuant to the terms of the Intermunicipal Agreement.

3. The purpose and objectives of the agreement are for the administration and enforcement of the provisions of the UCC. Participating municipalities shall administer and enforce the UCC by utilizing the same third party agency as defined in the rules and regulations under the UCC. Each participating municipality shall appoint one member to the Board of Appeals which shall, pursuant to the UCC, be established to hear and rule on appeals, request for variances, and request for extension of time.

4. The participating municipalities shall be responsible for all expenses relating to the administration and enforcement of the UCC within its municipality. The participating municipality from which an appeal is made to the appeal board shall be responsible for all expenses relating to said appeal. All other expenses of the appeal board shall be divided among the participating municipalities.

5. No organizational structure is necessary to implement the agreement.

6. No real or personal property shall be acquired, managed, licensed or disposed.

7. No entity is created. Each participating municipality agrees to carry insurance in an adequate amount to hold each party harmless with respect to said agreement.

DULY ENACTED AND ORDAINED into an Ordinance and passed by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, this 20th day of July, 2004.

**TOWNSHIP OF MORRIS
WASHINGTON COUNTY**

BY: [Signature]
Supervisor

ATTEST:

BY: David Dietrich
Supervisor

[Signature]
Township Secretary

BY: Wilbert L. Rutar
Supervisor

Municipality Seal

**MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 3 of 2004**

AN ORDINANCE OF MORRIS TOWNSHIP, PENNSYLVANIA, IMPOSING A TAX ON EARNED INCOME AND NET PROFITS RECEIVED OR EARNED BY RESIDENTS OF MORRIS TOWNSHIP AND BY NONRESIDENTS FOR WORK DONE OR SERVICES PERFORMED THEREIN; IMPOSING THE RATES OF TAXATION; REQUIRING DECLARATIONS, RETURNS, COLLECTIONS AT SOURCE AND PAYMENT OF THE TAX; ASSESSING INTEREST AND PENALTIES FOR LATE PAYMENT; PROVIDING FOR THE APPOINTMENT OF AN EARNED INCOME TAX OFFICER; AND PRESCRIBING PENALTIES FOR VIOLATION; AND REENACTING THE EARNED INCOME TAX RESOLUTION OF MORRIS TOWNSHIP EXCEPT AS IT MAY BE INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, and it is hereby Ordained and Enacted under the authority of Act Number 511 of 1965 ("The Local Tax Enabling Act") as follows:

Section 1. Incorporation of Statute. The provisions of section 6913 of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901-24 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto; except to the extent that options are provided in said section 6913, this ordinance designates the option selected, and except as and where hereinafter specifically provided otherwise.

Section 2. Imposition of Tax.

1. A tax for the general revenue purposes of one-half percent (1/2%) is hereby imposed on
 - A. salaries, wages, commissions and other compensation earned or paid after January 1, of any year by residents of Morris Township; and on
 - B. the net profits earned after January 1 of any year, of businesses, professions or other activities conducted by such residents.

2. Imposition of Tax on Nonresidents. A tax for the general revenue purposes of one percent (1%) is hereby imposed on
 - A. salaries, wages, commissions and other compensation earned or paid after January 1, of any year, by nonresidents of Morris Township for work done or services performed or rendered in Morris Township; and on
 - B. net profits earned after January 1 of any year, of businesses, professions or other activities conducted in Morris Township by nonresidents.

COPY

3. The tax levied under subsections 1A and 2A of this section shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under subsections 1B and 2B of this section will relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor, either individually or in association with some other person or persons.

Section 3. Declarations, Returns and Payment of Tax.

1. Every taxpayer whose net profits are subject to the tax imposed by this ordinance shall file a declaration of his estimated net profit for the current year and shall pay the tax due thereon in quarterly installments, all as provided in section 6913, III. A. (1)(ii) of the Local Tax Enabling Act.

2. Every taxpayer whose earnings are subject to the tax imposed by this ordinance shall make and file final returns and pay to the officer the balance of the tax due, as provided in section 6913, III. B., first paragraph of the Local Tax Enabling Act.

3. Every taxpayer whose earnings are not subject to collection at the source, shall make and file with the officer quarterly returns and shall pay quarter-annually the amount of tax shown as due on such returns all as provided in section 6913, III. B. (2) of the Local Tax Enabling Act.

4. The officer is hereby authorized to provide by regulation, subject to the approval of the Supervisors of Morris Township, that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages, or commissions of any employee, and paid by him or them to the officer shall be accepted as the return required of any employee whose sole income, subject to the tax or taxes under this ordinance, is such salary, wages or commissions.

Section 4. Collection at Source. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within Morris Township who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall register with the officer, deduct the tax imposed by this ordinance on the earned income of his employee or employees and shall make and file quarterly returns and final returns and pay quarterly to the officer the amount of taxes deducted, all as provided in section 6913, IV. of the Local Tax Enabling Act.

Section 5. Administration. The earned income tax officer shall be selected from time to time by resolution of, and shall receive such compensation for his services and expenses as determined from time to time by the Supervisors of Morris Township. Such officer shall have the powers and duties, and shall be subject to the penalties as provided in section 6913, V., VI., VII of the Local Tax Enabling Act.

Section 6. Interest and Penalties for Late Payment. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) per annum on the amount of said tax, and an additional

penalty of one-half of one percent (1/2%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

Section 7. Penalties for Violations.

1. Any person who fails, neglects, or refuses to make any declaration or return required by this ordinance, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects, or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this ordinance, shall, upon conviction therefor before any district justice of the peace, or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

2. Any person who divulges any information which is confidential under the provisions of this ordinance, shall, upon conviction therefor, before any district justice of the peace, or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

3. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this ordinance.

4. The failure of any person to receive or procure forms required for making the declaration or returns required by this ordinance shall not excuse him from making such declaration or return.


Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: The Earned Income Tax Resolution of the Township of Morris, enacted April 4, 1966, is hereby reenacted except to the extent that any provision of said Resolution is inconsistent with the terms and provisions of this ordinance.

Section 9. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Morris Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This ordinance shall become effective on October 1, 2004 and shall continue on a calendar year basis, thereafter, without annual reenactment.

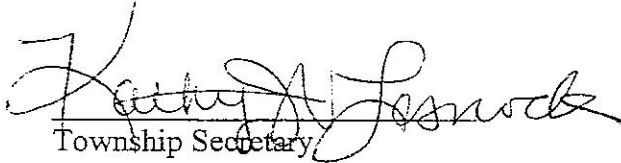
DULY ENACTED AND ORDAINED into an Ordinance and passed by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, on this 3rd day of August, 2004.


TOWNSHIP OF MORRIS
WASHINGTON COUNTY

BY: 
Supervisor

ATTEST:

BY: 
Supervisor


Township Secretary

BY: 
Supervisor

Municipal Seal

ORDINANCE NO. 1 OF 2005
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

**AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON
COUNTY, PENNSYLVANIA ENACTING AN EMERGENCY
SERVICES OCCUPATION TAX.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, that the above Ordinance shall be as follows:

SECTION 1: AUTHORITY OF ENACTMENT

This Ordinance is enacted on the Authority of The Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 et seq. (1982), as amended by Act 222 of 2004 and is hereafter amended supplemented, modified or re-enacted by the General Assembly of the Commonwealth of Pennsylvania.

SECTION 2: DEFINITIONS

As used in this Ordinance the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

TOWNSHIP - Morris Township, Washington County.

COMPENSATION - salaries, wages, commissions, compensation, tips, bonuses, fees, gross receipts, net income or net profits and earned income.

EMPLOYER - any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, governmental agency, or any other body engaged in business or situate in Morris Township, employing one or more employees engaged in any occupation other than domestic servants.

OCCUPATION - any livelihood, job, trade, profession, business or enterprise of any kind, including services, domestic or other, for which monetary compensation is received or charged.

TAX COLLECTOR - tax collector for Morris Township, Washington County, Pennsylvania.

TAXPAYER - any natural person liable for the tax levied under this Ordinance.

SECTION 3: IMPOSITION OF THE TAX

There shall be levied, assessed and collected a tax on individuals for the privilege of engaging in an occupation. This shall be an emergency and municipal service tax for the purpose of providing funds for emergency services, road construction or maintenance, and for any other lawful purpose in an amount of \$47.00 for the Township and \$5.00 for the McGuffey School District in the calendar year 2005. It is hereby imposed upon the privilege of engaging in an occupation within Morris Township, in the calendar year 2005, and in each and every following calendar year. Each natural person who exercises such privilege for any length of time in any calendar year beginning with the calendar year 2005, shall pay the tax in accordance with the provisions hereof; provided, the tax hereby levied shall not be imposed upon any natural person whose total income during the taxable year is less than \$12,000.00 as pertains to the Township portion; McGuffey School District has or will set its own limitation.

SECTION 4: COLLECTION THROUGH EMPLOYERS

1. Each employer shall register with the tax collector the employee's names, address and other information the tax collector may require within thirty (30) days after the effective date of this ordinance or within thirty (30) days after first becoming an employer.
2. For each taxpayer employed for any length of time after the effective date of this ordinance and on or before March 31 of the current year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the tax collector, and pay to said tax collector the full amount of taxes deducted on or before April 30 of the current tax year. For each taxpayer for whom no prior deduction has made, who is employed after the effective date of this ordinance and in any of the three (3) month periods ending June 30, September 30 and December 31 of the current year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the tax collector and pay said collector the full amount of all taxes deducted on or before July 31 or October 31 of the current tax year, or January 31 of the following year, respectively.
3. Any employer who discontinues business or ceases operation before December 31 of any year during which this tax is in effect shall file the return hereinabove required and pay the tax to the tax collector within fifteen (15) days after discontinuing business or ceasing operations.
4. The failure of any employer to deduct the tax shall not relieve the employee from the duty to file a return and pay the tax. Any employer who fails to deduct the tax as required by this section, or who fails to pay such tax to the tax collector shall be liable for such tax in full as though the tax had originally been levied against such employer.

5. As to employees who present official receipts evidencing prior payment of the tax imposed hereby, either directly or indirectly, or by collection through employers, the employer shall not deduct the tax, but shall maintain adequate records concerning such employees.

SECTION 5: DIRECT PAYMENT BY TAXPAYERS

Every taxpayer who is self-employed or whose tax for any other reason is not collected under Section 4 of this ordinance shall file a return on a form prescribed by the tax collector and shall pay the tax directly to said collector. Each such taxpayer who first becomes subject to the tax after the effective date of this ordinance and on or before March 31 of the current tax year shall file the return and pay the tax on or before July 31 or October 31 of the current tax year, or January 31 of the following year, whichever such payment dates first occurs at least thirty (30) days after the taxpayer becomes subject to the tax.

SECTION 6: NONRESIDENT TAXPAYERS

Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within Morris Township, be subject to the tax and the provisions of this Part 4.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

The tax collector shall collect and receive the taxes, interest, fines and penalties imposed by this Ordinance, and shall maintain records showing the amounts received and the dates such amounts were received. The tax collector shall prescribe and issue all forms necessary for the administration of the tax and may adopt and enforce regulations relating to any matter pertaining to the administration of this ordinance. The tax collectors and agents designated by him may examine the records of any employer and/or supposed employer or of any taxpayer in order to ascertain the tax due or verify the accuracy of any return. Every employer or supposed employer and every taxpayer or supposed taxpayer shall give the tax collector and any agent designated by him all means, facilities and opportunity for the examinations hereby authorized.

SECTION 8: COLLECTION

The tax collector shall collect, by suit or otherwise, all taxes, interest, costs, fines and penalties due under this ordinance and unpaid. If, for any reason, any tax is not paid when due, interest at the rate of six (6%) percent per year on the amount of unpaid taxes and an additional penalty on one-half on one percent (1/2 of 1%) of the amount of the unpaid tax, for each month or fraction of month during which the tax remains unpaid shall be collected. The taxpayer shall, in addition, be liable for the costs of collection as well as for interest and penalties. The tax collector may accept payment under protest of the tax claimed by Morris Township in any case where any person disputes the Township's claim for the tax. If a court of competent jurisdiction thereafter decides that there has been overpayment to the tax collector, the tax collector shall refund the amount of the overpayment to the person who paid under protest. All refunds shall be made in conformity

with the procedure prescribed by the Township. McGuffey School District shall determine its own dispute procedure.

SECTION 9: PENALTIES

An employer or taxpayer who makes a false or untrue statement on any return required by this ordinance, who refuses inspection of his records in his custody and control setting forth his employees subject to this tax, who fails or refuses to file a return required by this ordinance, or who violates any other provisions of this ordinance shall, upon a determination of civil liability or upon conviction thereof, be sentenced to pay a penalty or a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment for a term not to exceed Ninety (90) days, in addition to all costs of collection, including reasonable attorney fees incurred by the Township.

SECTION 10: RETENTION

All other terms, conditions and provisions contained in any other Township Ordinance not specifically addressed herein shall remain in full force and effect.

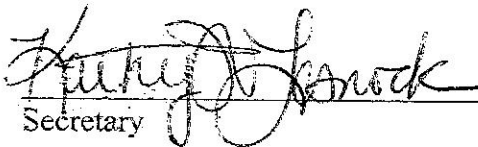
SECTION 11: EFFECTIVE DATE

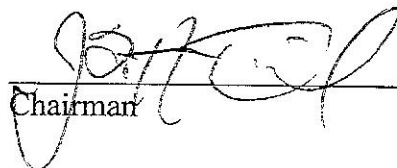
This Amendment to Ordinance shall become effective retroactively to January 1, 2005, and shall continue on a calendar year basis without annual reenactment.


ORDAINED AND ENACTED this 18th day of October, 2005.

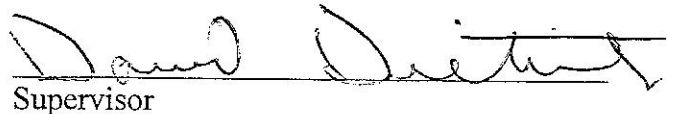
ATTEST:

MORRIS TOWNSHIP


Secretary


Chairman


Supervisor


Supervisor

**MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 of 2006

**AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON
COUNTY, PENNSYLVANIA REQUIRING ALL OWNERS OF
RESIDENTIAL RENTAL PROPERTIES TO PERIODICALLY
REGISTER THEIR TENANTS NAMES AND ADDRESSES WITH
THE TOWNSHIP AND IMPOSING PENALTIES FOR VIOLATION
THEREOF.**

It is hereby ENACTED AND ORDAINED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania as follows:

SECTION 1. PURPOSE

Morris Township recognizes a need for registration of residential units within the Township in order to ensure appropriate identity of various residents of the Township for registration, taxation and emergency purposes. The Township recognizes that the most efficient system to provide for these rental occupants' registration is to require the landlord to file periodic notices with the Township identifying its residential lessees.

SECTION 2. REGISTRATION REQUIREMENTS

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy, and residential rental unit within Morris Township unless said landlord/lessor notifies the Township within thirty (30) days after said occupancy, the name, address and number of a person(s) occupying each specific unit. The registration shall contain the following minimum information:

1. Name, address and telephone number of the property owner;
2. Name, address and telephone number of the designated local property manager, if the property owner lives outside the township and has a property manager;
3. The street address of the rental property; and
4. The name, address and place of employment of the tenant(s) and all other occupants of the unit who are over the age of seventeen (17) or employed.

SECTION 3. REGISTRATION TIME PERIOD

A registration for each residential unit shall be filed by January 30th of each calendar year and, then throughout the year whenever there is a change of occupants as set forth above. All registrations under this Ordinance shall be forwarded to the Township within sixty (60) days after enactment hereof for the first year.

SECTION 4. FEES

No fee shall be charged for this registration.

SECTION 5. PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$250.00 for each offense, and a separate offense shall be committed for each day during or on which a violation occurs or continues to exist. Additionally, any person, firm or corporation violating any provision of this Ordinance may also be subject to Civil penalties and/or sanctions, including but not limited to, an action for specific performance and/or injunctive relief wherein the offending party shall also be subject to the payment of any and all court costs and/or attorneys fees incurred by the Township pertaining to the enforcement hereof.

SECTION 6. SEVERABILITY

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

ORDAINED AND ENACTED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, on the 6th day of June, 2006.

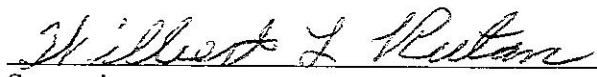
ATTEST:

MORRIS TOWNSHIP


Kathy Lesnock, Secretary


Supervisor


Supervisor


Supervisor

(SEAL)

**MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 of 2007

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA ENACTING A REALTY TRANSFER TAX AND OTHER TAX RELATED PROVISIONS PURSUANT TO ARTICLE XI-D OF THE TAX REFORM CODE OF 1971, AND AUTHORIZING THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH OF PENNSYLVANIA TO DETERMINE, COLLECT AND ENFORCE THE TAX, WITH INTEREST AND PENALTIES.

It is hereby ENACTED AND ORDAINED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as "Realty Transfer Tax Ordinance of the Township of Morris."

SECTION 2. IMPOSITION OF TAX.

The Township of Morris adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that Article subject to the rate limitations therein. The tax imposed under this Section shall be at the rate of one (1%) percent or as allowed by Law.

SECTION 3. ADMINISTRATION.

The tax imposed under Section 2 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as "The Local Tax Enabling Act"; provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Morris Township, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. §8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

SECTION 4. INTEREST.

Any tax imposed under Section 2 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. §§ 7101, et seq.), as amended, known as "The Municipal Claims and Tax Liens Act". The interest rate shall be the lesser of the interest rate imposed upon delinquent

Commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. §806), as amended, known as "The Fiscal Code", or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

SECTION 5. REPEAL.

(a) As of the effective date of this Ordinance, the following ordinances and resolutions are repealed:

(i) Ordinance No. 1 of 1987 to the extent that any provision therein conflicts with this Ordinance.

(b) The repealed ordinance enumerated in subsection (a) remainS effective for documents that became subject to tax prior to the effective date of this Ordinance.

SECTION 6. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective on and be applicable to any document made, executed, delivered, accepted or presented for recording on or after this Ordinance is enacted.

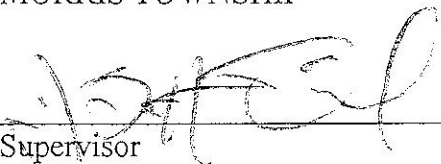
ORDAINED AND ENACTED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, on the 20th day of March, 2007.

ATTEST:


MORRIS TOWNSHIP



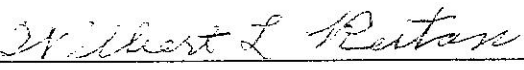
Kathy Lesnock, Secretary



Supervisor



Supervisor



Supervisor

(SEAL)

**ORDINANCE NO. 2 OF 2007
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, ENACTING A LOCAL SERVICES TAX IN THE AMOUNT OF \$52.00 PER YEAR UPON THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE TOWNSHIP; PROVIDING FOR THE PAYMENT OF SUCH TAX BY INDIVIDUALS EXERCISING THE PRIVILEGE; PROVIDING EXEMPTION THEREFROM FOR INDIVIDUALS DERIVING LESS THAN \$12,000.00 PER YEAR; PROVIDING FOR ITS COLLECTION; IMPOSING ON EMPLOYERS THE DUTY OF COLLECTING THE TAX; IMPOSING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING THAT ALL ORDINANCES INCONSISTENT HEREWITH BE REPEALED; AND PROVIDING FOR AN EFFECTIVE DATE OF SUCH TAX.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, that the above Ordinance shall be as follows:

ARTICLE I

SECTION 1.1. 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 or language clearly indicates or requires a different meaning:

POLITICAL SUBDIVISION - The area within the corporate limits of the Township of Morris, Washington County, Pennsylvania.

COLLECTOR - The person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

DCED - The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME - Compensation as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

EMPLOYER - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM - Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

NET PROFITS - The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1251, §13, as amended, 53 P.S. §6913, as amended.

OCCUPATION - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

TAX - The local services tax at the rate fixed in Section 1.2 of this Ordinance.

TAX YEAR - The period from January 1 until December 31 in any year; a calendar year.

SECTION 1.2. LEVY OF TAX.

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the political subdivision during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52.00, assessed on a pro rata basis, in accordance with the provisions of this article. This tax may be used solely for the following purposes as the same may be allocated by the Township from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The political subdivision shall use no less than twenty-five percent (25%) of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than \$52.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

SECTION 1.3. EXEMPTION AND REFUNDS.

A. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand (\$12,000.00) dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent (100%) disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000.00) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of twelve thousand dollars (\$12,000.00) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of twelve thousand dollars (\$12,000.00) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection,

plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this article.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. The Township, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five (75) days of a refund request or seventy-five (75) days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1.00); the Township or the Collector shall determine eligibility for exemption and provide refunds to exempt persons.

SECTION 1.4. DUTY OF EMPLOYERS TO COLLECT.

A. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be no more than fifty two dollars (\$52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Paragraph B of Section 3 of this article and this section and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes thirty (30) days after the end of each quarter of a calendar year.

SECTION 1.5. RETURNS.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

SECTION 1.6. DATES FOR DETERMINING TAX LIABILITY AND PAYMENT.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth (30th) day following the end of each calendar quarter of each such tax year.

SECTION 1.7 SELF-EMPLOYED INDIVIDUALS.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this article and pay the pro rata portion of the tax due to the Collector on or before the thirtieth (30th) day following the end of each quarter.

SECTION 1.8 INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

(1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;

(2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

(3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

SECTION 1.9. NONRESIDENTS SUBJECT TO TAX.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this article, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

SECTION 1.10. ADMINISTRATION OF TAX.

A. The Collector shall be appointed by resolution of the political subdivision. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

B. The Collector is hereby charged with the administration and enforcement of this article and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and

enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Washington County as in other cases provided.

C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

SECTION 1.11. SUITS FOR COLLECTION.

A. In the event that any tax under this article remains due or unpaid thirty (30) days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of five percent (5%) shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

SECTION 1.12. VIOLATIONS AND PENALTIES.

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

SECTION 1.13. INTERPRETATION.

A. Nothing contained in this article shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect

or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

ARTICLE II

SECTION 2.1.

Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, for calendar year 2005 and all prior calendar years, or of an emergency and municipal services tax, plus applicable penalties and interest, for calendar years 2006 and 2007, as the same exist prior to this amendment.

SECTION 2.2.

The tax imposed by this Ordinance shall be effective on January 1, 2008 and all calendar years thereafter unless repealed or modified by Ordinance of the Township of Morris.

ENACTED AND ORDAINED this 20th day of November, 2007.

ATTEST:

MORRIS TOWNSHIP



Kathy Lesnock, Secretary

Chairman



Supervisor



Supervisor

**ORDINANCE NO. 1 OF 2009
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1 OF 1992 TO AMEND THE DEFINITION OF "EXTRACTIVE OPERATIONS" IN ORDER TO CLARIFY THE INCLUSION OF OIL AND GAS DRILLING ACTIVITY AND TO AMEND THE REQUIREMENT OF AN OPERATOR TO PROVIDE FOR EXCESS MAINTENANCE FOR DAMAGE TO TOWNSHIP ROADS BY OVERWEIGHT VEHICLES.

WHEREAS, the Board of Supervisors of Morris Township has reviewed the Township Zoning Ordinance, as most recently amended by Ordinance No. 1 of 1992, and has concluded that it is necessary to clarify the definition of the term "extractive operations" to include oil and gas drilling activity and to provide for an Excess Maintenance Agreement for Township Roads to be entered into by owners or operators conducting operations pursuant to Ordinance No. 1 of 1992; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the within proposed amendment to Ordinance No. 1 of 1992.

NOW, THEREFORE, be it ordained and enacted, and is hereby ordained and enacted by the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. The definition of "extractive operations" contained in Section 1 of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefor:

EXTRACTIVE OPERATIONS: Surface mining of coal, earth removal, stone removal or quarrying, oil and gas drilling (including but not limited to conventional, Marcellus Shale and coalbed methane gas drilling), and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents or minerals are removed as a business activity.

SECTION 2. Section 3.e.(6) of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefor:

Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by the Township Supervisors for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site, or conducting any operations at the site, including development operations. The period designated for the bond shall start with the issuance date of the permit. Said bond shall

be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by the Township Engineer, and be reconstructed to Township specifications. In addition to the foregoing, the operator shall be required to enter into an Excess Maintenance Agreement in a form to be approved by the Township providing for the maintenance or restoration of Township roads damaged by the operator's use of the roads by overweight vehicles. Any conflict between the terms and provisions of the Excess Maintenance Agreement and this Section shall be resolved in favor of the terms and conditions set forth in the Excess Maintenance Agreement.

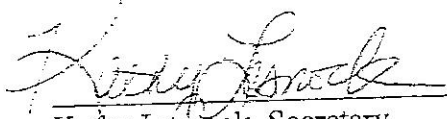
SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

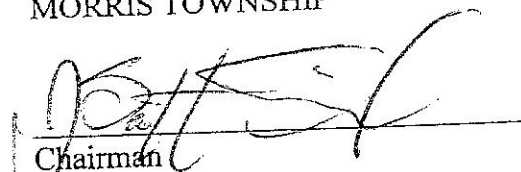
SECTION 5. Effective Date. This Ordinance shall become effective five (5) days after its enactment.


ENACTED AND ORDAINED this 31 day of April, 2009.

ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP


Chairman


Supervisor


Supervisor

ORDINANCE NO. 2 OF 2009
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1 OF 1992 TO INCLUDE FOR CONDITIONAL USE APPROVAL OF EXTRACTIVE OPERATIONS A CONDITION REQUIRING THE OPERATOR TO REPORT TO THE TOWNSHIP THE DRAWING OF WATER FROM ANY STREAM OR WATERWAY; A CONDITION REQUIRING THE OPERATOR TO PROVIDE THE TOWNSHIP WITH MAPS OR DRAWINGS SHOWING THE LOCATION OF INFRASTRUCTURE; AND A CONDITION REGULATING THE HOURS OF OPERATIONS OF ROCK CRUSHERS, CEMENT PLANTS OR OTHER CRUSHING, GRINDING, POLISHING OR CUTTING MACHINERY OR OTHER PHYSICAL OR CHEMICAL PROCESS OR FACILITY FOR THE PROCESSING OF MATERIALS REMOVED IN CONNECTION WITH EXTRACTIVE OPERATIONS.

WHEREAS, the Board of Supervisors of Morris Township has reviewed the Township Zoning Ordinance, as amended by Ordinance No. 1 of 1992, and has concluded that it is necessary with respect to conditional use approval for extractive operations to include provisions requiring operators to report to the Township the drawing of water from any stream or waterway; requiring operators to provide the Township with maps or drawings showing the location of all infrastructure; and a condition regulating the hours of operations of rock crushers, cement plants or other crushing, grinding, polishing or cutting machinery or other physical or chemical process or facility for the processing of materials removed in connection with extractive operations; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the within proposed amendment to Ordinance No. 1 of 1992.

NOW, THEREFORE, be it ordained and enacted, and is hereby ordained and enacted by the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. Section 3.e.(9) is added to Ordinance No. 1 of 1992 as follows:

(9) The designated operator shall provide to the Township copies of all Act 220 Water Withdrawal and Use Registrations which it provides to the Commonwealth of Pennsylvania Department of Environmental Protection with respect to the usage of water from any source within Morris Township. Copies of the Act 220 Water Withdrawal and Use Registration shall be provided to Morris Township at the same time they are provided to the Department of Environmental Protection.

SECTION 2. Section 3.e.(10) is added to Ordinance No. 1 of 1992 as follows:

(10) The designated operator shall provide the Township with maps or drawings showing the location of all infrastructure installed by the operator, to include, but not limited to, pipelines, pump stations, regulators, valves, drips, etc. Copies of maps or drawings submitted to Pennsylvania Department of Environmental Protection or other agency containing substantially the same information shall satisfy this requirement. This information shall be provided to Morris Township no later than the date the facility is placed into operation. Provided, however, that any disclosure of such information shall be limited to the appropriate police, fire, emergency medical and emergency management personnel, and any such information shall be exempt from general public disclosure pursuant to the trade secret and confidential proprietary information and public safety exceptions of the Pennsylvania Right-to-Know Law.

SECTION 3. Section 3.e.(3) of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefore:

(3) No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be operated in the A-1 Agricultural District or other areas of the Township between the hours of 9:00 p.m. and 6:00 a.m. prevailing time.

SECTION 4. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 5. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after its enactment.


ENACTED AND ORDAINED this 3rd day of November, 2009.


ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP


Chairman


Supervisor


Supervisor

**ORDINANCE NO. 1 OF 2010
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1 OF 1992 TO PROVIDE A LIMITATION ON THE TIME FOR COMMENCEMENT OF AN EXTRACTIVE OPERATION AFTER A CONDITIONAL USE APPROVAL OR CONDITIONAL USE PERMIT HAS BEEN GRANTED FOR SUCH EXTRACTIVE OPERATION; PROVIDING FOR EXTENSIONS OF THE TIME FOR COMMENCING AN EXTRACTIVE OPERATION AFTER THE EXPIRATION OF THE INITIAL TIME LIMITATION; AND PROVIDING FOR THE EXPIRATION OF THE CONDITIONAL USE APPROVAL OR CONDITIONAL USE PERMIT WHEN THE EXTRACTIVE OPERATION HAS NOT COMMENCED.

WHEREAS, the Board of Supervisors of Morris Township has reviewed the Township Zoning Ordinance, as amended by Ordinance No. 1 of 1992, and has concluded that it is necessary with respect to conditional use approval for extractive operations to include provisions for limiting the time for commencement of extractive operations after conditional use approval or a conditional use permit is granted; providing for extensions of conditional use approvals or conditional use permits when extractive operations have not commenced during the initial approval or permit period; and providing for the expiration of conditional use approvals or conditional use permits when extractive operations have not commenced during the initial approval or permit period or any extension thereof; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the within proposed amendment to Ordinance No. 1 of 1992.

NOW, THEREFORE, be it ordained and enacted, and is hereby ordained and enacted by the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. Section 3.e.(4) of Ordinance No. 1 of 1992 is hereby deleted in its entirety and the following substituted therefore:

(4) Extractive operations shall commence within a one (1) year period after the date of the conditional use approval or issuance of a conditional use permit whichever first occurs, or such approval or permit shall be revoked; provided, however, that upon application of the operator a one (1) year extension may be granted by the Board of Supervisors. The application for an extension shall be in writing and be accompanied by a fee of \$250.00 per well site or other operating site. Such an extension may be granted without an additional public hearing if the applicant certifies in writing and the Board of Supervisors agrees that the extractive operation has not materially changed in location or scope. In the event that either the applicant or the Board of Supervisors determines that there has been a material change in location or scope, a revised application and public hearing shall be

required pursuant to public notice in accordance with applicable law prior to action on the requested extension.

(A) If at the end of the first extension period the extractive operation has not commenced, the designated operator may apply for a second extension for an additional one (1) year period the application for which must be accompanied by a fee of \$1,000.00 for each site and a certification by the operator that the proposed extractive operation has not materially changed in location or scope. Public notice would then be given in a local newspaper to notify residents that the Board of Supervisors will meet to review and act upon the request for extension. Additionally, the operator must submit to the Township proof that all applicable state permits remain in full force and effect. The operator shall be responsible for reimbursing the Township for advertising cost and reasonable attorney fees in connection with the request for extension.

(B) Conditional use approval will not be extended beyond the second extension period and any further application will be treated as an original application subject to all of the requirements of the Morris Township Zoning Ordinance, as amended, and the Municipalities Planning Code.

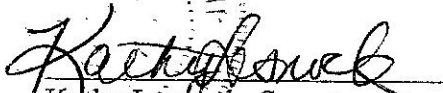
SECTION 2. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 3. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED this 4th day of MAY, 2010.


ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP

Chairman


Supervisor


Supervisor

ORDINANCE NO. 2 OF 2010
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE NO. 1, EFFECTIVE JUNE 4, 1973, PROVIDING FOR THE DEFINITION AND PERMITTING OF ADDITIONAL CONDITIONAL USES IN THE A-1 AGRICULTURAL DISTRICT OF MORRIS TOWNSHIP AS ESTABLISHED IN THE MORRIS TOWNSHIP ZONING ORDINANCE.

WHEREAS, the Supervisors of Morris Township have reviewed the need for permitting additional conditional uses to be permitted in the A-1 Agricultural District of Morris Township as established in the Morris Township Zoning Ordinance and have determined that additional conditional uses should be permitted pursuant to the Morris Township Zoning Ordinance, Ordinance No. 1, effective June 4, 1973, and pursuant to the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the proposed amendment to the Morris Township Zoning Ordinance No. 1, effective June 4, 1973.

NOW, THEREFORE, be it ORDAINED AND ENACTED, and is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ATHLETIC/HEALTH SPA - an indoor facility for court games such as racquetball, handball, squash, tennis, basketball and volleyball, as well as facilities and equipment for exercise including swimming and similar indoor activities.

AUTOMOBILE BODY/ENGINES AND REPAIR SHOP - on a lot, a building that is used for the repair and/or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles or other vehicles for conveyance and engine maintenance, repair, reconditioning, collision repair, including straightening and repainting replacement parts and incidental services.

AUTOMOBILE WASHING (CAR WASH) - a building designed or used primarily for the washing and polishing of automobiles.

AWNING SHOP - an indoor facility for the manufacture or repair of a structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

BED AND BREAKFAST ESTABLISHMENT - a use of land, buildings and structures for the short term quarters of the traveling public which may include meals, but does not include more than one family in the dwelling unit as hereinafter defined.

BUSINESS OFFICE - a room or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation of or in conjunction with a business or profession. Retail and wholesale sales and inventory are not included under this classification.

BUSINESS, LOCAL RETAIL AND COMMERCIAL - any retail establishment which caters to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noises or other objectionable influences; and any enterprise, activity or other undertaking and including garden supply stores, eating and drinking establishments, food stores, hardware stores, vehicle service stations and other miscellaneous retail stores including drug, books (with the exception of adult book stores), stationery, hobby, gift and used merchandise stores including antiques; and durable goods including electrical goods, hardware, plumbing and heating equipment, lumber, machinery, equipment and supplies; and non-durable goods including drugs, proprietaries and sundries, farm-product raw materials, groceries and related products, paper and paper products, petroleum and petroleum products and other miscellaneous non-durable goods including farm supplies, tobacco and tobacco products and paints, varnishes and supplies. No business may involve any illegal activity.

BUSINESS SERVICES USE - any use of land, buildings and structures providing wholesale services to business, commercial or public enterprises including advertising, credit reporting, data processing, mailing news, personnel, reproduction, stenographic and miscellaneous services such as equipment leasing, management, professional, engineering, protective, photo-finishing, public relations and research and development.

CEMETERY OR MEMORIAL - a burial place or ground; a graveyard, including mausoleums, crematories, columbarium, and memorial sites.

COMMERCIAL PARKING - the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question. The storage or recurrent parking of more than five passenger vehicles, or more than two trucks or other commercial vehicles, shall be presumed to be commercial parking. This use shall not include abandoned or junk motor vehicles or vehicle parts, or partially dismantled motor vehicles not bearing current registration plates and which are not in the process of on-going and immediate repair.

COMMUNICATIONS TOWER - the use, other than utilities, including all radio, television and cellular communications towers and dish antenna. Satellite earth stations or dish-antennae and aerials are included in this definition provided that the installation meets FAA and FCC regulations and the following requirements (A) Only one antenna per lot; and (B) No installation in front yards.

CONVALESCENT HOME - a building in which accommodations are provided for the full-time care of aged, disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home," and shall have the meaning set forth in this Section.

FUNERAL HOME or MORTUARY - an establishment for the preparation of the deceased for burial, the display of the decedent and any ceremonies connected therewith before such burial or cremation.

NURSERY SCHOOL - a building operated to provide regular instruction and daytime care for two or more children under elementary school age. Such facility will be required to have all necessary governmental permits and approvals.

PHILANTHROPIC USE - limited to public and semipublic activities which involve and relate exclusively to charitable, benevolent and public-oriented service functions, such as provided by the American Red Cross, Salvation Army, social centers sponsored by public or semipublic organizations or similar groups.

PROFESSIONAL SERVICE USE - any use of land, buildings or structures for those licensed to practice a profession by the Commonwealth of Pennsylvania. This classification includes, but is not limited to, any practicing physician, surgeon, osteopath, chiropractor, dentist, engineer, surveyor, optician, optometrist, architect, landscape architect, attorney, city planner, accountant, beautician or barber. Any such facility shall have all required governmental permits and approvals.

RESTAURANT - any establishment, however designated, at which food is prepared and sold for consumption. However, a concession stand at a public or a community playground, play-field, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RIDING ACADEMY - an establishment where horses are boarded and cared for, and/or where instruction in riding, jumping and showing is offered, and/or the general public may, for a fee, hire horses for riding.

STORAGE FACILITY - any structure, one story in height, designed and used for the purpose of renting or leasing storage space to occupants who are to have access to such for the purpose of storing and removing property which may include motor vehicles and/or miscellaneous non-hazardous items.

SECTION 2. Amendment of Table 201. Table 201 of the “Morris Township Zoning Ordinance”, effective June 4, 1973, is hereby amended to include all of the uses as defined in SECTION 1 of this Ordinance as conditional uses in the A-1 Agricultural district of the Township.

SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

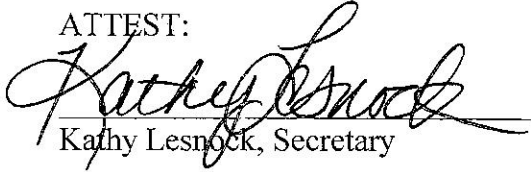
SECTION 4. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that

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

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED this 3rd day of August, 2010.

ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP


Chairman


Supervisor


Supervisor

ENACTED AND ORDAINED this 2nd day of December, 2014.

ATTEST:

Kathy Lesnock
Kathy Lesnock, Secretary

MORRIS TOWNSHIP

[Signature]
Chairman

[Signature]

Supervisor

[Signature]

Supervisor

**ORDINANCE NO. 1 OF 2011
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

NOW, THEREFORE, under authority of the Local Tax Enabling Act, 53 P.S. §6924.101, et seq., and other applicable law, be it **ORDAINED AND ENACTED**, and is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. Definitions. All terms defined in the Local Tax Enabling Act, 53 P.S. §6924.101 et seq., shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

BUSINESS - an enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.

COLLECTOR - the person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax.

MUNICIPAL TAX RATE APPLICABLE TO NON-RESIDENTS - the total rate applicable to non-residents working within the Taxing Authority based on the municipal non-resident tax rate is one percent (1%).

COMBINED TAX RATE APPLICABLE TO RESIDENTS - the total rate applicable to residents of the Taxing Authority, including the tax imposed by the School District and by the municipality in which the individual resides, is one percent (1%).

DOMICILE - the place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered to be the center of business affairs and the place where its functions are discharged.

EARNED INCOME - the compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The

amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EFFECTIVE DATE - January 1, 2012

EMPLOYER- a person, business entity or other entity, employing one or more person for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purpose of penalties under this Ordinance, the term includes a corporate officer.

GOVERNING BODY - the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania.

LOCAL TAX ENABLING ACT - The Local Tax Enabling Act, 53 P.S. §6924.101 et seq., and any amendments thereto.

NET PROFITS - the net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following paragraphs:

- (1) Income which:
 - (i) is not paid for services provided; and
 - (ii) is in the nature of earnings from an investment.
- (2) Income which represents:
 - (i) any gain on the sale of farm machinery;
 - (ii) any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
 - (iii) any gain on the sale of other capital assets of a farm.

NONRESIDENT - a person or business domicile outside the Taxing Authority.

RESIDENT- a person or business domiciled in the Township of Morris.

PERSON - a natural person.

TCD - any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.

TCC - the Washington County Tax Collection Committee, which has been established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TAX - the tax imposed by this Ordinance.

TAX RETURN - a form prescribed by the Collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Ordinance or the Local Tax Enabling Act.

TAX YEAR - the period from January 1 to December 31.

TAXING AUTHORITY - the Township of Morris, Washington County, Pennsylvania.

TAXPAYER - a person or business required under this Ordinance and the Local Tax Enabling Act to file a return of the earned income and net profits tax or to pay the earned income and net profits tax.

SECTION 2. Exemptions. There shall be no exemptions from the Earned Income Tax.

SECTION 3. Imposition of Tax

- A. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits of residents of the Taxing Authority.
- B. General Purpose Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits derived by an individual who is not a resident of the Taxing Authority, from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.
- C. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Ordinance is repealed or the rate is changed.
- D. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Ordinance. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Ordinance upon the effective date of such amendment, without the need for formal amendment of this Ordinance, to the maximum extent allowed by 1 Pa.C.S.A. §1937.
- E. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with: (1) all applicable laws and regulations; and (2) policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. §1937.

SECTION 4. Individual Tax Returns and Payments. Every resident receiving earned income or earning net profits in any Tax Year shall file Tax Returns and pay Tax in accordance with the Local Tax Enabling Act and this Ordinance.

SECTION 5. Employer Withholding, Remittance, and Tax Returns. Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act and this Ordinance.

SECTION 6. Tax Collector. The Tax will be collected from residents and employers by the Collector.

SECTION 7. Interest, Penalties, Costs, and Fines. Residents and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with authorization by the TCC having jurisdiction.

SECTION 8. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. Purpose/Repeal. The primary purpose of this Ordinance is to conform the earned income and net profits tax currently imposed by the Taxing Authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior Ordinance imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Ordinance. Any other prior Ordinance or part of any prior Ordinance conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists. To the extent that this Ordinance is the same as any Ordinance in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior Ordinance and not as a new Ordinance. If this Ordinance is declared invalid, any prior Ordinance levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Ordinance. If any part of this Ordinance is declared invalid, the similar part of any prior Ordinance levying a similar tax shall remain in effect and shall not be affected by adoption of this Ordinance. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any Ordinance in force prior to adoption of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall amend and restate on the Effective Date any Ordinance levying a tax on earned income or net profits in force immediately prior to the Effective Date.

SECTION 10. Effective Date. This Ordinance shall become effective on January 1, 2012.

ENACTED AND ORDAINED this 4th day of October, 2011 .

ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP


Chairman


Supervisor


Supervisor

**ORDINANCE NO. 2 OF 2011
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON
COUNTY, PENNSYLVANIA, LEVYING A LOCAL SERVICES TAX,
REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX, AND
RELATED PROVISIONS.**

NOW, THEREFORE, under authority of the Local Tax Enabling Act, 53 P.S. §6924.101, et seq., and other allowable law, be it ORDAINED AND ENACTED, and is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania that:

SECTION 1. 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 or language clearly indicates or required a different meaning:

COLLECTOR - the person, public employee or private agency approved by the Washington County Tax Collection Committee to collect and administer the tax herein imposed.

DCED - the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME - the compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EFFECTIVE DATE - January 1, 2012

EMPLOYER- a person, business entity or other entity, employing one or more person for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purposes of penalties under this Ordinance, the term includes a corporate officer.

HE, HIS or HIM - indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL - any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Township.

LOCAL TAX ENABLING ACT - The Local Tax Enabling Act, 53 P.S. §6924.101 et seq., and any amendments thereto.

NET PROFITS - the net income from the operation of a business, profession; or other activity, as required to be reported or determined by the Pennsylvania Department of Revenue under Section 3030 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following paragraphs:

- (1) Income which:
 - (i) is not paid for services provided; and
 - (ii) is in the nature of earnings from an investment.
- (2) Income which represents:
 - (i) any gain on the sale of farm machinery;
 - (ii) any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
 - (iii) any gain on the sale of other capital assets of a farm.

OCCUPATION - any trade, profession, business or undertaking of any kind, or character, including services, domestic or other, earned in or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

PERSON - a natural person.

POLITICAL SUBDIVISION - includes cities, boroughs, townships, and public school districts.

TAX - the local services tax at the rate fixed in this Ordinance.

TCC - the Washington County Tax Collection Committee.

TAX YEAR - the period from January 1 to December 31 in any year; a calendar year.

TOWNSHIP - the Township of Morris, Washington County, Pennsylvania.

SECTION 2. Imposition of Tax. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2012; upon the privilege of engaging in an occupation with a primary place of employment within the Township of Morris during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52.00, assessed on a pro rata basis, in accordance with the provisions of this article. This tax may be used solely for the following purposes as the same may be allocated by the Township from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead property exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The Township shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied

by the Township. The tax shall be no more than \$52.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

SECTION 3. Exemptions and Refunds.

A. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than Twelve Thousand and no/100 (\$12,000.00) Dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

- (1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.
- (2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

- (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Collector with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Township of less than Twelve Thousand and no/100 (\$12,000.00) Dollars in the calendar year for which the exemption certificate is filed. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

- (2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of Twelve Thousand and no/100 (\$12,000.00) Dollars in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of Twelve Thousand and no/100 (\$12,000.00) Dollars in that calendar year, an employer shall withhold the local services tax from the person under clause (3).
 - (3) If a person who claimed an extension for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this article.
 - (4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.
- C. Refunds. The TCC, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five (75) days of a refund request or seventy-five (75) days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed One and no/100 (\$1.00) Dollar: The Collector shall determine eligibility for exemption and provide refunds to exempt persons.

SECTION 4. Duty of Employer to Collect.

- A. Each employer with the Township, as well as those employers situated outside the Township but who engage in business within the Township, is hereby charged with

the duty of collecting the tax from each employee engaged by him or performing for him within the Township and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the Township.

- B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the Township.
- C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.
- D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.
- E. The tax shall be Fifty-Two and no/100 (\$52.00) Dollars on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.
- F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Township if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of this Ordinance and remits the amount so withheld in accordance with this article.

- G. Employers shall be required to remit the local services taxes thirty (30) days after the end of each quarter of a calendar year.

SECTION 5. Returns. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

SECTION 6. Dates for Determining Tax Liability and Payment. In each tax year, each employer shall use his or her employment records to determine the number of employees from whom, such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

SECTION 7. Self-Employed Individuals. Each self-employed individual who performs services of any type or kind or engaged in any occupation or profession within a primary place of employment within the Township shall be required to comply with this article and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

SECTION 8. Individuals Engaged in More Than One Occupation or Employed in More Than One Political Subdivision.

- A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which required the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:
- (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;
 - (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;
 - (3) Third, the political subdivision in which a person is employed and which imposed the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

SECTION 9. Nonresidents Subject to Tax. All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Section, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

SECTION 10. Administration of Tax.

- A. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.
- B. The Collector is hereby charged with the administration and enforcement of this Section and is hereby charged and empowered, subject to TCC approval, to proscribe, adopt and promulgate rules and regulations, relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998 (municipalities may detail their appeal processes).
- C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

SECTION 11. Suits for Collection.

- A. In the event that any tax under this Ordinance remains due or unpaid thirty (30) days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

SECTION 12. Violations and Penalties. Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600.00 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

SECTION 13. Interpretation.

- A. Notwithstanding contained in this Ordinance shall be construed to empower the Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.
- B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 14. Purpose/Repeal. Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, any prior calendar years, or of an emergency and municipal services tax, plus applicable penalties and interest, for any prior calendar years, as the same existed prior to this amendment.

SECTION 15. Effective Date. The tax imposed by this Ordinance shall be effective on January 1, 2012 and all calendar years thereafter unless repealed or modified by Ordinance of the Township.

ENACTED AND ORDAINED this 4th day of October, 2011.


ATTEST:


Kathy Lesnock, Secretary

MORRIS TOWNSHIP


Chairman


Supervisor


Supervisor

ORDINANCE NO. 1 OF 2014
OF
MORRIS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE NO. 1, EFFECTIVE JUNE 4, 1973, PROVIDING FOR A ZONING MAP CHANGE TO THE DISTRICT BOUNDARIES OF B-1 BUSINESS DISTRICTS AS ESTABLISHED IN THE MORRIS TOWNSHIP ZONING ORDINANCE.

WHEREAS, the Supervisors of Morris Township have reviewed the need for clarifying the district boundaries of all zoning districts and based on the historical use of some property amending the boundaries to include certain properties within B-1 Business Districts of Morris Township as established in the Morris Township Zoning Ordinance No. 1, and related Zoning Map effective June 4, 1973, and pursuant to the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of Morris Township has conducted a public hearing on the proposed amendment to the Morris Township Zoning Ordinance No. 1, effective June 4, 1973.

NOW, THEREFORE, be it ORDAINED AND ENACTED, and is hereby ordained and enacted by the Supervisors of the Township of Morris, Washington County, Pennsylvania that:

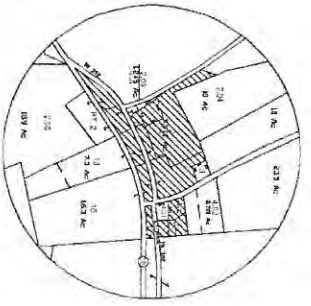
SECTION 1. The zoning map shall be amended in accordance with the attached enhanced comprehensive zoning map to specifically include the properties designated within the B-1 Business Districts.

SECTION 2. Amendment of Table 201. Table 201 of the "Morris Township Zoning Ordinance", effective June 4, 1973, is hereby amended to include all of the uses as defined in SECTION 1 of this Ordinance as conditional uses in the A-1 Agricultural district of the Township.

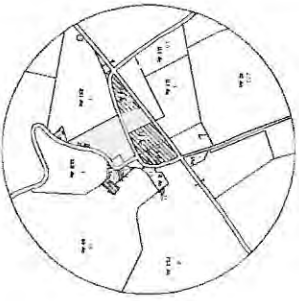
SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. Severability. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days after its enactment.

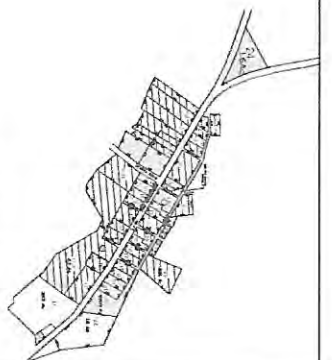


SPARTA



OLD CONCORD

NOT TO SCALE



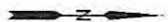
PROSPERITY



PREPARED BY:
**MORRIS TOWNSHIP,
 WASHINGTON COUNTY,
 PENNSYLVANIA**

ZONING MAP

- AGRICULTURAL
A-1
- RESIDENTIAL
R-1
- BUSINESS
B-1



TOWNSHIP ORDINANCE NO. 2 - 2015

TOWNSHIP OF MORRIS

AN ORDINANCE OF MORRIS TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE PARTICIPATION OF MORRIS TOWNSHIP IN THE PSATS UNEMPLOYMENT COMPENSATION GROUP TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW.

WHEREAS, the PSATS Unemployment Compensation Group Trust, originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective July 16, 2014 (hereinafter "Restated Trust Agreement"); and

WHEREAS, pursuant to the Restated Trust Agreement any municipality wishing to commence participation in the Trust, or continue participation in the Trust after July 16, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, Morris Township ("the Township") has determined that it is in the best interest of the Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement; and

TOWNSHIP OF MORRIS
ORDINANCE NO. 1 of 2015

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF MORRIS WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Morris does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Morris unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

Section 2.03 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 2.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 2.05 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Morris or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chairman of the Board of Supervisors.

Section 3.02 Permits Required

A Permit shall be required before any construction or development is undertaken within any area of the Township of Morris.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the

2009 IBC and the 2009 IRC or the latest edition thereof adopted by the State of Pennsylvania.

Section 3.04 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Morris. Such application shall contain the following:
1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location including address.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
 5. building materials are flood-resistant;
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest edition thereof adopted by the State of Pennsylvania.
4. The following data and documentation:
 - a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within Floodway Area (See section 4.02 A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

- d. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Identified Floodplain Area (See Section 4.01) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation. AE Areas adjacent to Floodways are exempt.
- e. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- f. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.
- g. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- h. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the Township in accordance with a schedule affixed by resolution of the Board of Supervisors.

Section 3.05 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 3.06 Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be

made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 3.07 Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.08 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 3.09 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;

2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and upon conviction shall pay a fine to Township of Morris, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 3.10 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

- A. any areas of Township of Morris, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 30, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- B. any Community Identified Flood Hazard Areas

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Morris and declared to be a part of this ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - 2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - 1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - 2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development,

increase the BFE at any point.

- ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
- E. Community Identified Flood Hazard Areas shall be those areas where Township of Morris has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies

Section 4.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B) for situations where FEMA notification is required.

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or

determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When Township of Morris proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to

FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- D. Within any Identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

Section 5.02 Elevation and Floodproofing Requirements

Within any Identified Floodplain Area any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Identified Floodplain Area in accordance with the criteria in Article VIII, then the following provisions apply:

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of

a non-residential structure shall have the lowest floor elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 4.02.C of this ordinance.
 3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
 4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 5. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Enclosed spaces below the lowest floor (including basements) are prohibited.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to

preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 200 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 5.03 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

Within any Identified Floodplain Area the use of fill shall be prohibited unless a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

1. If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof adopted by the State of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof adopted by the State of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 5.04 Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. No variance shall be granted.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be prohibited. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

Section 5.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The

analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 5.06 Special Requirements for Manufactured Homes

- A. Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:
- B. Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:
- C. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - 1. placed on a permanent foundation;
 - 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 - 3. and anchored to resist flotation, collapse, or lateral movement.
 - 4. and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
- E. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- F. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest edition thereto adopted by the State of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 5.07 Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

- A. Recreational vehicles in Zones A, A1-30, AH and AE must:
 - 1. be on the site for fewer than 180 consecutive days, and
 - 2. be fully licensed and ready for highway use,
and
 - 3. be removed from the floodplain when a flood warning is issued.

ARTICLE VI. PROHIBITED ACTIVITIES

Section 6.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.02 shall apply.

Section 7.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in Section 4.02 C.

- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof adopted by the State of Pennsylvania.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.

ARTICLE VIII VARIANCES

Section 8.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Morris may, upon request, grant relief from the strict application of the requirements.

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of Morris in accordance with the procedures contained in Section 3.10 and the following:

- A. No variance shall be granted within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in Section 4.02 C.
- B. No variance shall be granted for: Prohibited Activities (Article VI) or to Development Which May Endanger Human Life (Section 5.04).
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township of Morris shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- E. Whenever a variance is granted, the Township of Morris shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township of Morris shall consider, at a minimum, the following:
1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Township of Morris. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. DEFINITIONS

Section 9.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 9.02 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.

6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood - a temporary inundation of normally dry land areas.
11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
13. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
14. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
16. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
17. Historic structures – any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
18. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.
19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
20. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing

support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

23. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after August 5, 1985 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
24. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
25. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
26. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated August 5, 1985, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
27. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated August 5, 1985, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
28. Recreational vehicle - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1

½) feet.

30. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
31. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
32. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
33. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
34. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, 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 building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
35. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
36. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This

term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

37. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
38. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
39. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE X. ENACTMENT

Section 10.01 Adoption

This Ordinance shall be effective on August 9, 2015 (5 days after its enactment) and shall remain in force until modified, amended or rescinded by Township of Morris, Washington County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors this 4th day of August 2015.

ATTEST:

Kathy D. Lesnock
Township of Morris Secretary

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MORRIS

By: [Signature]
Chairman of the Board of Supervisors

David W Dietzel
Supervisor

[Signature]
Supervisor

BUILDING PERMIT AND FLOODPLAIN ORDINANCE

TABLE OF CONTENTS

| | <u>PAGE</u> |
|--|-------------|
| ARTICLE I. STATUTORY AUTHORIZATION | 2 |
| ARTICLE II. GENERAL PROVISIONS | 2 |
| ARTICLE III. ADMINISTRATION | 3 |
| ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS | 9 |
| ARTICLE V. TECHNICAL PROVISIONS | 12 |
| ARTICLE VI. PROHIBITED ACTIVITIES | 21 |
| ARTICLE VIII. VARIANCES | 22 |
| ARTICLE IX. DEFINITIONS | 23 |
| ARTICLE X. ENACTMENT | 29 |

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 52 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

BE IT ORDAINED and **ENACTED** by the Board of Supervisors of the Township of Morris, Washington County, Pennsylvania; and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: That the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to adopt the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at 473 Sparta Rd, Prosperity, Pennsylvania, 15329. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

SECTION 2: That the participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

SECTION 3: That, as set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in

the Trust:

1. That each Participating Employer must meet the admission and eligibility requirements set forth therein;

2. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and

3. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

SECTION 4: That the Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

SECTION 5: That the effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be August 4, 2015.

SECTION 6: That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

SECTION 7: That the organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

SECTION 8: That the funds required for the operation of the Trust shall be provided by

the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

SECTION 9: That the Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

SECTION 10: That as a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

SECTION 11: That the Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

SECTION 12: The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

SECTION 13: The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

SECTION 14: The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.

2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with

the terms of the Restated Trust Agreement.

3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.

4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.

5. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.

6. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.

7. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

SECTION 15: The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Governing Body that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Governing Body that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid,

illegal or unconstitutional had not been included at the time of enactment.

SECTION 16: Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

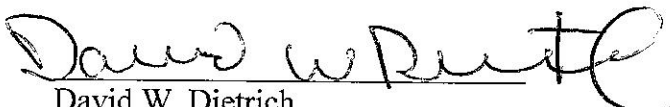
SECTION 17: This Ordinance shall become effective immediately upon its enactment.

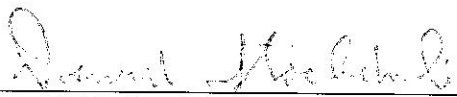
This Ordinance is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa. C.S. §§ 2301, et seq.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, on this 4th day of August, 2015.


MORRIS TOWNSHIP
BOARD OF SUPERVISORS

BY: 
S. Douglas Smith


David W. Dietrich


David M. Stockdale

ATTEST:


Kathy W. Lesnock, Secretary

Resolution

Whereas, local governments, including counties, cities, boroughs, towns, townships, and school districts, are facing increasing fiscal pressure from all sides;

Whereas, local tax bases are continuing to erode;

Whereas, the current local tax system offers no opportunities to address these problems;

Whereas, in recognition of the potential financial crisis facing the various political subdivisions of the Commonwealth, the Governor of the Commonwealth of Pennsylvania, the Honorable Robert P. Casey, has called a special and extraordinary session of the General Assembly to consider comprehensive local tax reform legislation;

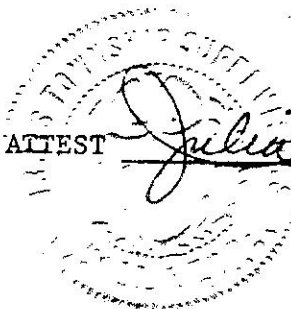
Whereas, both chambers of the General Assembly have passed local tax reform legislation which is soon to be presented to a House/Senate Conference Committee;

Whereas, the Special Session will adjourn at the end of the day, November 30, 1988;

Now, therefore be it resolved, that the (municipality/county/school district) of MORRIS does hereby call upon the members of the General Assembly to pass on or before November 30, 1988 legislation addressing the following objectives of comprehensive local tax reform, as originally expressed by the Pennsylvania Local Government Conference:

- Reduce reliance of local taxing jurisdictions on property taxes;
- Increase the fairness and equity of the current property tax system;
- Increase the flexibility and equity of the local tax structure in recognition of diverse local conditions;
- Provide alternatives to nuisance taxes, and in particular the occupation assessment tax;
- Provide a means for local government to recover from significant decreases in federal funding;
- Address the problem of the Philadelphia resident/nonresident wage tax, and its impact on suburban taxing jurisdictions; and
- Address the inadequacy of the local tax base in distressed local governments.

ADOPTED, this 18th day of OCTOBER, 1988.

ATTEST  Julia M. Arnes

John B. Clutter
CHAIRMAN
MORRIS TOWNSHIP BOARD
of Supervisors

COPY

STREET LIGHTING RESOLUTION

RESOLUTION NO. 1

ADOPTED February 21 19 89

A RESOLUTION authorizing and directing proper officials of Morris Township, Washington County, Pennsylvania, to enter into and execute an agreement with West Penn Power Company for a continuation of the street lighting service being furnished on streets, alleys and public places in Prosperity Village and Vicinity

WHEREAS, street lighting service is now being furnished by West Penn Power Company in the Village of Prosperity and Vicinity, Morris Township, Washington County, Pennsylvania, under the terms of an agreement between the Municipal Legislative Body of Morris Township, and the West Penn Power Company;

and,

WHEREAS, the said agreement covering the aforementioned street lighting service expires on the _____ day of _____ 19____;

and,

WHEREAS, the property owners in the said Village of Prosperity and Vicinity are desirous of having the aforementioned street lighting service continue without interruption.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Legislative Body of Morris Township, Washington County, Pennsylvania, that a new agreement be entered into with the West Penn Power Company, covering street lighting service in the Village of Prosperity and Vicinity, said agreement to be in form submitted by the West Penn Power Company and filed with the Township Secretary;

and,

BE IT FURTHER RESOLVED that the President and Secretary of the Municipal Legislative Body are hereby authorized and directed to execute on behalf of said Township, said Agreement with said Company.

Morris Twp. Board of Supervisors

John B. Clutter
Edward W. Wignman
John B. Gorman

ATTEST:

Julia M. Turner
Township Secretary

TOWNSHIP SEAL

RESOLUTION NO. 2 of 89

THIS RESOLUTION, approved and adopted by the Board of Supervisors of Morris Township, Washington County, Pennsylvania, on the date hereinafter set forth.

WITNESSETH:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S.A. Section 7101 et seq. mandates that Morris Township prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a disaster within this Township; and

WHEREAS, in response to the mandate stated above, the Township has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a disaster; and

WHEREAS, the Township has also prepared an emergency operations plan in order to reduce the potential affects of a disaster and to protect the health, safety and welfare of the residents of the Township;

NOW, THEREFORE, we, the undersigned Supervisors of Morris Township do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Morris Township. This Plan shall be reviewed on an annual basis to make certain that it conforms with the requirements of the Washington County Emergency Operations Plan.

Board of Supervisors of
Morris Township

By John B. Clutter
Edward W. Wagoner
John B. Jones

ATTEST

Julia M. Jones
Date 11/7/89

Date

A RESOLUTION NO. _____

MORRIS Township, Washington County

WHEREAS, New development has a substantial impact on municipal facilities, such as transportation, sewer and water systems;

WHEREAS, It is unfair to place the entire burden of these costs, which are necessitated by new development, on the township's residents through higher taxes; and

WHEREAS, Impact fees represent an equitable way of sharing these costs between new development and the township's residents;

NOW THEREFORE BE IT RESOLVED, That MORRIS Township, Washington County supports the passage of legislation to authorize municipalities to impose fair and equitable impact fees on new development to pay for the costs of the infrastructure improvements needed to serve that development;

AND FURTHER, That such legislation include the following provisions:

- 1) The ability for municipalities and developers to continue to negotiate in good faith for offsite improvements;
- 2) Protection for those municipalities that have existing impact fee ordinances by granting them one year in which to bring their ordinance into conformance with the new law;
- 3) The authority to use impact fees to pay for the extensive administrative costs a township must incur in order to charge impact fees;
- 4) The flexibility for a municipality to establish the boundaries of each transportation service area in which impact fees will be levied;
- 5) The ability to collect impact fees for up to one year from developers who apply for subdivision approval while the impact fee ordinance is in the development stages; and
- 6) The discretion to appoint members to the impact fee advisory committee who represent a variety of factions within the municipality, instead of loading the membership up with individuals who represent the special interests of the building and real estate industries.

Resolved at a regularly scheduled meeting of the Board of Supervisors of the Township of MORRIS, the 21st day of August, 1990.

BY: John Bluetter Supervisor
Edward Wignac
John B. Bonner

ATTEST: (SEAL)

Kathy W. Lenock

Supervisors of Morris Township

2

Supervisors
WILBERT RUTAN
JOHN B. FONNER
EDWARD WIGMAN

KATHY W. LESNOCK
Secretary-Treasurer
R.D. No. 1, Box 31-N
Prosperity, Pa. 15329

RESOLUTION NO. 1 of 1993

Introduced by,

A RESOLUTION OF THE SUPERVISORS OF THE TOWNSHIP OF MORRIS OF THE COUNTY OF WASHINGTON, IN THE COMMONWEALTH OF PENNSYLVANIA, COMMITTING THE TOWNSHIP OF MORRIS TO PARTICIPATE IN THE WASHINGTON COUNTY ENHANCED 9-1-1 SYSTEM, AND DESIGNATE EMERGENCY RESPONDERS FOR THE TOWNSHIP OF MORRIS AND TO ASSIST WASHINGTON COUNTY OFFICIALS TO RESOLVE ADDRESS PROBLEMS RELATING TO THE ALI (AUTOMATIC LOCATION INFORMATION) REQUIREMENT OF ENHANCED 9-1-1,

WHEREAS, the Board of Commissioners has entered into a contractual relationship with Bell of Pennsylvania for the provision of County-wide Enhanced 9-1-1 Emergency Telephone Service; and

WHEREAS, the Board of Commissioners has assigned County personnel to work with Washington County municipalities to provide adequate address data on all Washington County residents to Bell of Pennsylvania for Enhanced 9-1-1 ALI requirements; and

WHEREAS, the Board of Commissioners has agreed to provide Enhanced 9-1-1 telephone service and dispatching services to all Washington County municipalities.

NOW, THEREFORE, BE IT RESOLVED by the Township of Morris of the County of wasington, in the Commonwealth of Pennsylvania, AND IT IS HEREBY RESOLVED:

1. That Morris Township will join and be a participating member municipality of the Washington County Enhanced 9-1-1 System, and will be participating in the Washington County Enhanced 9-1-1 System by promoting the use of the 9-1-1 emergency number for police, fire and EMS Emergency Service and by utilizing the Washington County Emergency Services Center for direct dispatch of police, fire and EMS services within the municipal boundries of Morris Township.

2. That Morris Township will assist county personnel, their agents or assigns, in resolving the problems of inadequate addresses in Morris Township for Enhanced 9-1-1 by naming unnamed streets/roads, assigning residence/business address numbers where none exist, utilizing a standardized form of lettering and numbering, eliminating duplicate addresses and providing a list of other (unofficial street/road) names to correlate to the official names.

ADOPTED this 16th day of February 1993.

ATTEST:

KATHY W. LESNOCK

Edward Wigman (Seal)

RESOLUTION NO. 1 of 2000

AN ADMINISTRATIVE RESOLUTION OF THE MORRIS TOWNSHIP BOARD
OF SUPERVISORS, WASHINGTON COUNTY, PENNSYLVANIA.

"Any resident who wishes to address the supervisors on any applicable matter must do so before the Board of Supervisors at a regularly scheduled meeting."

ADOPTED AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MORRIS TOWNSHIP, held this 19th day of September, 2000 with two-thirds of the board being present.

MORRIS TOWNSHIP OF
WASHINGTON COUNTY

BY:



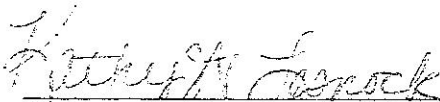
Wilbert L. Rutan
Vice Chairman

AND:



J. Scott Finch
Member

ATTEST:




Kathy W. Leshock, Secretary

RESOLUTION #2 of 2003

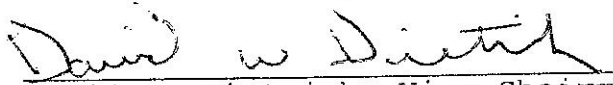
A RESOLUTION OF THE MORRIS TOWNSHIP BOARD OF SUPERVISORS TO ENACT A \$300.00 PERMIT FEE FOR THE USE OF ANY TEMPORARY STRUCTURE OR TRAILER AT ANY WORK SITE.

"It is hereby resolved by the Morris Township Board of Supervisors of Washington County to enact a \$300.00 permit fee for the use of any temporary structure or trailer at any work site. Morris Township Zoning Ordinance #1 of 1973, section 303.4 states "Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures and trailers shall be issued for a six month period." Permit applications will be obtained from the Morris Township Zoning Officer. This resolution is in conjunction with the motion made by Rutan and second by Finch to enact a \$300.00 permit fee for temporary trailers at any worksite as of Tuesday, November 5, 2002. The original motion was made in accordance with Zoning Ordinance #1 of 1973, section 303.4.

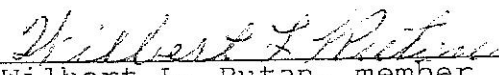
ADOPTED AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MORRIS TOWNSHIP, held this 4th day of March, 2003.



J. Scott Finch, Chairman

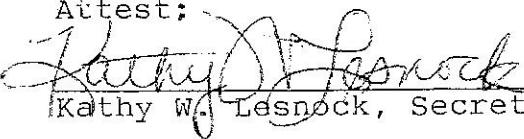


David W. Dietrich, Vice Chairman



Wilbert L. Rutan, member


Attest:




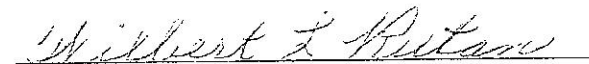
Kathy W. Lesnock, Secretary

RESOLUTION #2 OF 2004

THE MORRIS TOWNSHIP BOARD OF SUPERVISORS HEREBY RESOLVE THAT ALL ALTERNATE SEPTIC SYSTEMS APPROVED AS OF JANUARY 1, 2004 WITHIN MORRIS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA MUST HAVE AN APPROVED SIGNED MAINTENANCE AGREEMENT BETWEEN MORRIS TOWNSHIP OF WASHINGTON COUNTY, PENNSYLVANIA AND THE PROPERTY OWNER. IN THE EVENT THAT THE PROPERTY IS SOLD, A NEW APPROVED SIGNED MAINTENANCE AGREEMENT MUST BE ENACTED BETWEEN MORRIS TOWNSHIP OF WASHINGTON COUNTY AND THE NEW OWNER OF SAID PROPERTY. APPROVED AND ENACTED THIS 4TH DAY OF MAY, 2004.


Chairman


Vice Chairman


Member


Attest

TOWNSHIP OF MORRIS

RESOLUTION 2 of 2007

A resolution adopting the Washington County All Hazard Mitigation Plan

Whereas, MORRIS Township recognizes the threat that natural hazards pose to people and property; and

Whereas, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayers dollars; and

Whereas, an adopted all hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

Whereas, the MORRIS Township Supervisors participated jointly in the planning process with the other local units of government within the County to prepare an All Hazards Mitigation Plan;

Now, therefore, be it resolved, the Supervisors of Morris Township hereby adopts the Washington County All Hazard Mitigation Plan as an official Plan; and

Be it further resolved, that Washington County Department of Public Safety will submit on behalf of the participating municipalities the adopted All Hazards Mitigation Plan to Federal Emergency Management Agency officials for final review and approval.

ADOPTED this the 2nd day of October, 2007 by the Board of Supervisors of Morris Township.

ATTEST:

Morris Twp Board of Supervisors



Secretary



Chairman

**OFFICIAL
MORRIS TOWNSHIP
RESOLUTION # 3 of 2011**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MORRIS
TOWNSHIP, WASHINGTON COUNTY, STATING OPPOSITION
TO PENNSYLVANIA PROPOSED HOUSE BILL NO. 1950**

WHEREAS, The Pennsylvania Oil and Gas Act regulates the development of oil and gas in the state of Pennsylvania;

WHEREAS, Pennsylvania's Municipalities Planning Code ("MPC") allows municipalities to enact, amend, and repeal zoning ordinances to provide for the orderly development of the economic needs of the municipality and to protect the health, safety, and welfare of its residents;

WHEREAS, Morris Township has in place an Oil and Gas Ordinance that serves to strike a balance between the health, safety and welfare of our Township residents with the ability to undertake gas operations within our Township borders;

WHEREAS, various drilling companies have complied with this Ordinance and procedure and drilling and related oil and gas activities have and continue to take place in the Township;

WHEREAS, proposed Pennsylvania House Bill No. 1950 is an attempt by the Pennsylvania State Legislature to expressly supersede and preempt all local rules, regulations, codes, agreements, resolutions, ordinances and other local enactments that regulate oil and gas operations;

WHEREAS, proposed Pennsylvania House Bill No. 1950, which passed the Finance House Committee on Wednesday, November 2, 2011, serves to deprive municipalities of longstanding zoning powers in favor of statewide control of the location of oil and gas related activities in the Township;

WHEREAS, the Pennsylvania Supreme Court, in recognition of the fact that local municipal officials are in the best position to determine "where" drilling activities should occur in the Township held, "(W)hile effective oil and gas regulation in service of the (Oil and Gas) Act's goals may require

the knowledge and expertise of the appropriate state agency, the MPC's authorization of local zoning laws **is provided in recognition of the unique expertise of municipal governing bodies to designate where different uses should be permitted in a manner that accounts for the communities development objectives, its character, and the 'suitabilities and special nature of particular parts of the community'**”,

WHEREAS, the Commonwealth of Pennsylvania has not performed any studies about the potential chronic and long-term health effects associated with living near drilling sites, frac ponds, compressor stations or processing plants;

WHEREAS, the Commonwealth of Pennsylvania has not performed any studies about the potential for industry activity to impact the value of homes, issues with securing mortgages, or potential future development of the Township, all of which may affect the health, safety and welfare of the public including the Township's growth and tax base;

WHEREAS, the Pennsylvania State Legislature stated its intended purpose is to create uniformity for the drilling industry;

WHEREAS, the Pennsylvania State Legislature fails to account for differences in each municipality including topography, population, and reliance on well water as a primary water source;

WHEREAS, the Pennsylvania State Legislature fails to take into consideration that “uniformity of rules” is not the equivalent of “uniformity of location,” “where” drilling activities take place, as each municipality has different industrial, commercial, and residential population centers, development and comprehensive plans that can and will be thwarted by the state denying municipalities long-standing zoning powers that allows the Township to foster the Community's development objectives.

WHEREAS, the Pennsylvania State Legislature failed to look to the municipalities where drilling is occurring for input and has ignored the lessons learned from other states with prior shale drilling activities, such as Texas which allows for and has certain local municipal oversight of oil and gas drilling activities in their communities that have not been detrimental to the oil and gas industry's ongoing operations.

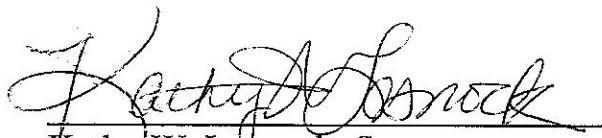
NOW THEREFORE, BE IT RESOLVED, that the Morris Township Board of Supervisors does hereby officially express its complete and unfettered opposition to Pennsylvania H.B. 1950 as part of the Marcellus Municipal Cooperative made up of eighteen (18) local municipalities.

SECTION 1. Effective Date. This policy shall become effective immediately.

DULY RESOLVED THIS 20th **DAY** December, 2011, by the Board of Supervisors of Morris Township, Washington County, Pennsylvania in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MORRIS


Kathy W. Lesnock, Secretary

By: 
J. Scott Finch, Chairman


S. Douglas Smith, Vice Chairman


David W. Dietrich, member

Resolution No. 2 of 2014

A RESOLUTION OF Morris Twp Supervisors, WASHINGTON COUNTY, PENNSYLVANIA OPPOSING ANY AMENDMENT TO ACT 13 OF 2012 THAT WOULD REDUCE THE AMOUNT OR ALLOCATION OF UNCONVENTIONAL GAS WELL FEES, "ACT 13 IMPACT FEE" TO MUNICIPALITIES AFFECTED BY GAS EXPLORATION ACTIVITIES.

Whereas, the legislation adopted as Act 13 of 2012 established an unconventional gas well fee commonly referred to as Act 13 Impact Fees; and

Whereas, distribution of the Impact Fees collected is made as set forth in Act 13 with funds being provided for conservation districts, PA Fish and Boat Commission and to fund various other Commonwealth initiatives including a fund for enforcement of Acts relating to clean air and clean water; and

Whereas, 37% of the Impact Fees, remaining after funding of Commonwealth programs, are distributed to municipalities that are impacted by gas exploration activities; and

Whereas, the Impact Fees distributed to Townships that are impacted by gas exploration activities are available to locally elected Township officials to fund various projects as determined by locally elected Township officials; and

Whereas, locally elected Township officials are in the best position to determine the best interests of the residents in municipalities that are affected by gas exploration; and

Whereas, the Pennsylvania General Assembly is considering passing legislation amending Act 13 to reduce the amount of Impact Fees distributed to Townships affected by gas exploration activities thus taking those funds away from affected Townships and local control.

Now, therefore the following is hereby resolved:

Section 1:

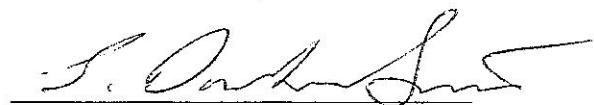
The Morris Twp Supervisors (of Washington Co) hereby opposes any amendment to Act 13 of 2012 that would reduce the amount or allocation of Act 13 Impact Fees paid to Townships affected by gas exploration activities.

Resolved and adopted this 1st day of July, 2014.

ATTEST:

AUTHORIZED SIGNATURE


Secretary


Chairman, Board of Supervisors