

# **BOARD OF COMMISSIONERS**

**TODD M. SINAI, PRESIDENT**

**April 17, 2024 - 7:30 PM**

## **AGENDA**

### **1. Call to Order**

### **2. Roll Call**

### **3. Recognition of former Ward 3 Commissioner Paul A. McElhaney and unveiling of his Presidential Portrait**

### **4. Announcements**

- The Board will meet in Executive Session on Wednesday, April 17, 2024.
- Clean Up Weekend is being held Saturday, April 20 and Sunday, April 21, 2024 from 9:00 a.m. until 4:00 p.m. each day at the Township's Public Works Complex. Residents may dispose of their refuse and recycling free of charge. Proof of residency is required. Recycling must be separated from refuse. No household hazardous waste will be accepted.
- An Arbor Day Ceremony will be held on Friday, April 26, 2024 at Penn Valley Elementary School at a time yet to be determined.

### **5. Proclamation - Public Service Recognition**

### **6. Public Privilege of the Floor**

The Floor is open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.

**Response to Public Privilege of the Floor** - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege portion of the agenda.

### **7. Public Comment**

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

**Response to Public Comment** - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

### **8. Consent Calendar**

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and

considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

- a. APPROVAL OF TOWNSHIP MANAGER’S EMPLOYMENT AGREEMENT AND 2024 SALARY INCREASE
- b. APPROVAL OF 2024 SALARY INCREASE FOR THE TOWNSHIP SECRETARY
- c. AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW
- d. APPROVAL OF CERTIFICATES OF APPROPRIATENESS
- e. APPROVAL OF HISTORICAL COMMISSION APPLICATIONS
- f. AWARD OF CONTRACT – ANNUAL SUPPLY OF ROADWAY MAINTENANCE MATERIALS
- g. AWARD OF CONTRACT – PUBLIC SAFETY BUILDING GASOLINE UNDERGROUND STORAGE TANK (UST) REPLACEMENT
- h. AWARD OF CONTRACT – HARRITON HOUSE CONDITION ASSESSMENT
- i. AWARD OF CONTRACT – FIRE TRUCK FOR GLADWYNE FIRE COMPANY
- j. AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE CHAPTER 126, SEWERS - SANITARY SEWER RENTAL RATE FOR 2024
- k. APPROVAL OF AMERICAN RESCUE PLAN FUNDING REALLOCATION
- l. AUTHORIZATION TO ISSUE A LETTER OF SUPPORT TO THE PHILADELPHIA SKATING CLUB
- m. RESOLUTION - AUTHORIZATION OF GRANT APPLICATION FOR CREATION OF A READING GARDEN AT PENN WYNNE LIBRARY
- n. RESOLUTION - INDICATING THE NEW GRANT IDENTIFICATION NUMBER AND REAUTHORIZING EXECUTION OF GRANT RELATED DOCUMENTS FOR THE PARKSIDE-CYNWYD EXTENSION OF THE CYNWYD HERITAGE TRAIL PROJECT
- o. AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 5, ADMINISTRATIVE CODE AND CHAPTER 133, STREETS & SIDEWALKS - AMENDMENTS RELATED TO CIP RESPONSIBILITY, PERMITS AND VIOLATIONS

**9. Administrative and Human Resources Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (items a - b).

**10. Building and Planning Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (items c - e).

**11. Finance Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (items f - k).

## **12. Grants and Community Development Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (item l).

## **Library Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (item m).

## **13. Parks and Recreation Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (item n).

## **14. Public Works Committee**

- a. The Consent Calendar contains items referred from the April 10, 2024 meeting of this Committee (item o).

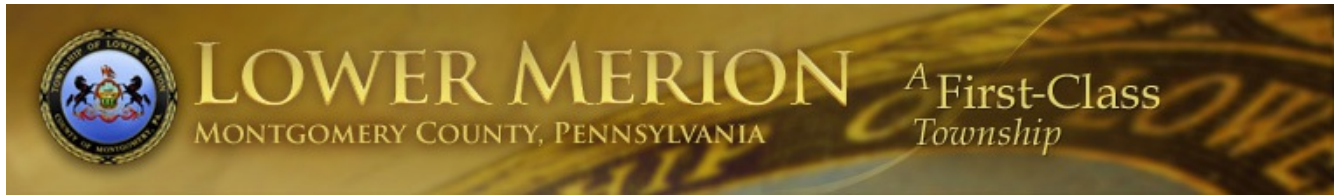
## **15. Public Hearings / Adoption of Ordinances**

- PUBLIC HEARING AND ADOPTION OF ORDINANCE - CHAPTER 155, ZONING - VARIOUS MINOR ZONING AMENDMENTS - Z-23-010
- ADOPTION OF ORDINANCE - CHAPTER 105, NOISE AND EXTERIOR LIGHTING - NOISE AMENDMENTS - Z-22-012
- ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - PENWYN ROAD PARKING RESTRICTIONS

## **16. Unfinished Business**

## **17. New Business**

## **18. Adjournment**



## **AGENDA ITEM INFORMATION**

COMMITTEE: Administrative and Human Resources Committee

ITEM: APPROVAL OF TOWNSHIP MANAGER'S EMPLOYMENT AGREEMENT AND 2024 SALARY INCREASE

Consider for approval to execute the Township Manager's Employment Agreement for the period of January 2, 2024 through January 5, 2026 and approval of a salary increase of 3.5% effective January 1, 2024.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Administrative and Human Resources Committee

ITEM: APPROVAL OF 2024 SALARY INCREASE FOR THE TOWNSHIP SECRETARY

Consider for approval a 2024 salary increase of 3.5% for the Township Secretary effective January 1, 2024.



## **AGENDA ITEM INFORMATION**

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW

Consider for approval to release funds held in escrow as Improvement Guarantees in accordance with §135-7 of the Township Code for the following:

515-519 S Woodbine Avenue (LOWM 256.42)

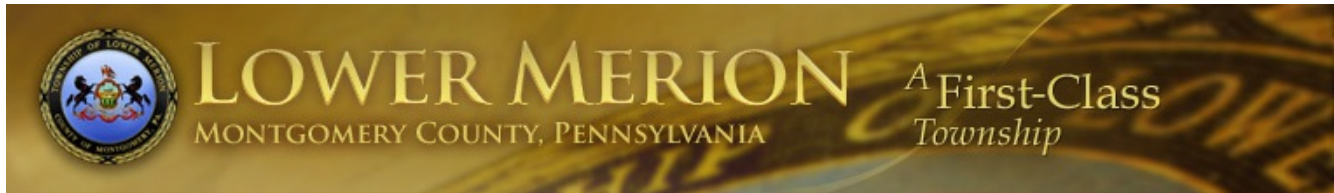
Escrow Release No. 4

Amount \$ 8,700.00

133 Old Gulph Road (LOWM 198.47)

Escrow Release No 7 (FINAL)

Amount \$ 14,520.00



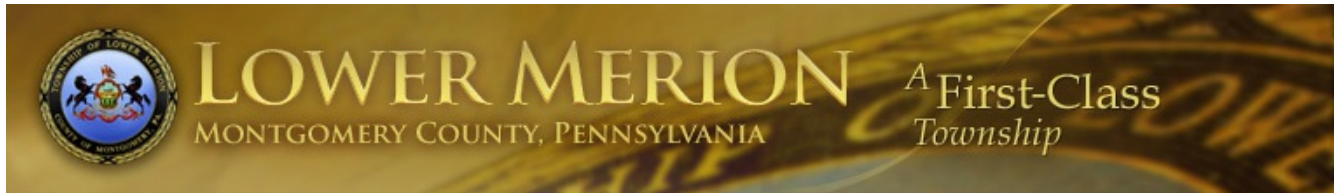
## AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

### ITEM: APPROVAL OF CERTIFICATES OF APPROPRIATENESS

Consider for approval the following certificates of appropriateness as recommended by the Historical Architectural Review Board at their meeting held on April 2, 2024:

- a) 8 Cricket Avenue, Ardmore Commercial Historic District, 24-04 – approval to install a projecting sign to hang from a bracket, with the sign to be reduced if necessary to meet zoning regulations, citing Secretary of the Interior's Standard 9.
- b) 9 West Lancaster Avenue, Ardmore Commercial Historic District, 24-05 – approval to remove an awning and install a wall sign above the storefront window, citing Secretary of the Interior's Standard 9.
- c) 21 Cricket Avenue, Ardmore Commercial Historic District, 24-06 – approval to renovate the façade, including the replacement of sconces at the main entrance and replacement of window trim with a composite material, with a subcommittee to review trim material samples.
- d) 45 East Lancaster Avenue, Ardmore Commercial Historic District, 24-07 – approval to attach a series of painted panels onto the unpainted brick wall surface of the west façade, with the outdoor-grade plywood panels to be primed on both sides and sealed for protection and installed at a half-inch offset from the wall with exterior-grade masonry anchors, citing Secretary of the Interior's Standard 9.
- e) 56 East Lancaster Avenue, Ardmore Commercial Historic District, 24-08 – approval to replace five second floor windows, repair damaged limestone blocks on the façade, and repair the apartment entrance door, citing Secretary of the Interior's Standard 9.



## **AGENDA ITEM INFORMATION**

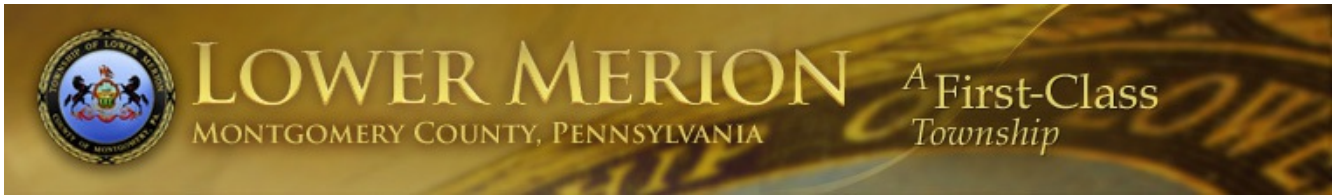
COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATIONS

Consider for approval the following application as recommended by the Historical Commission at their meeting held on March 25, 2024:

- a) 1850 West Montgomery Avenue, Villanova, Class 2, 2023-R-22 – approval to modify a previously approved garage design, including the inclusion of an arched-top window on the south elevation and modification of the vehicular door openings to have arched tops, citing Secretary of the Interior's Standards 9 and 10.





## AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – ANNUAL SUPPLY OF ROADWAY MAINTENANCE MATERIALS

Consider for approval to award a contract for Annual Supply of Roadway Maintenance Materials to the following bidder in accordance with bids received on Thursday, March 14, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Glasgow, Inc. Items 1 and 4 Total Bid:	\$375,987.50
Items 2, 3, 5 and 13 Total Bid:	\$130,392.50
Items 6, 7, 8, and 9	<u>\$186,732.50</u>
Items 10, 10A and 11A-F	No Bids
Total Bid:	\$693,112.50



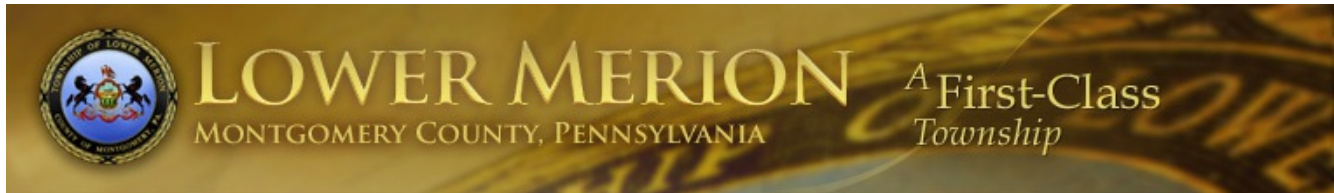
## AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – PUBLIC SAFETY BUILDING GASOLINE UNDERGROUND STORAGE TANK (UST) REPLACEMENT

Consider for approval to award a contract for Public Safety Building Gasoline Underground Storage Tank Replacement to the following bidder in accordance with bids received on Thursday, March 21, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

TTI Environmental, Inc	
Total Lump Sum Bid:	\$345,500.00
Total Bid Contingencies:	22,787.00
Total Add Alternates Items: (A-1 - A-3):	<u>129,400.00</u>
Total Bid Award:	\$497,687.00

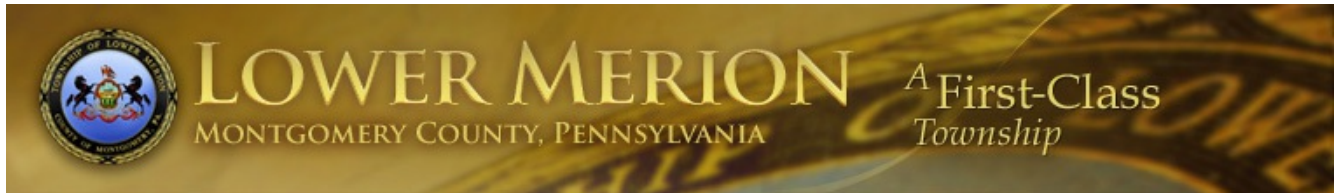


## **AGENDA ITEM INFORMATION**

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – HARRITON HOUSE CONDITION ASSESSMENT

Consider for approval the execution of a professional services contract in the amount of \$59,500 with John Milner Architects, Inc. for Conditions Assessment for Harriton House and Associated Structures.

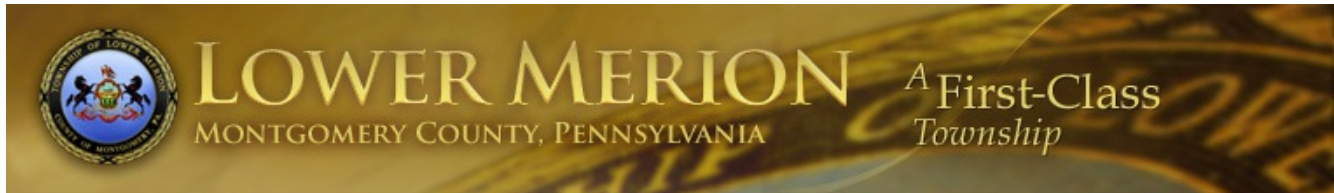


## **AGENDA ITEM INFORMATION**

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – FIRE TRUCK FOR GLADWYNE FIRE COMPANY

Consider for approval to award a contract for the purchase of a new aerial/ladder fire truck for Gladwyne Fire Company in the amount of \$2,400,000 from Pierce Fire Apparatus in accordance with the Apparatus Policy provided the Township receives the insurance proceeds paid as a result of the damage to the ladder truck which is being replaced excluding any insurance proceeds designated by the insurance company to reimburse the Fire Company for equipment.

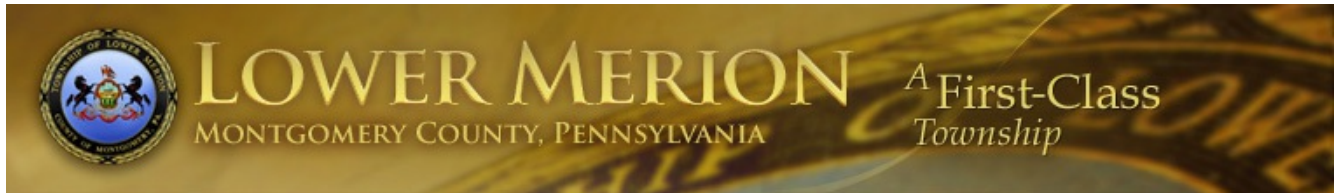


## **AGENDA ITEM INFORMATION**

COMMITTEE: Finance Committee

ITEM: AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE CHAPTER 126, SEWERS  
- SANITARY SEWER RENTAL RATE FOR 2024

Consider for approval authorizing the Township Secretary to advertise notice of a public hearing and intent to adopt an Ordinance enacted pursuant to the Code of the Township of Lower Merion, Chapter 126, Sewers, fixing the amount of the annual Sanitary Sewer Rental fee and establishing the amount of \$4.51 as the charge to each property connected to the Township sanitary sewer system for each 1,000 gallons of water consumed; and fixing the amount of the annual Sanitary Sewer Rental fee for each property directly connected to the City of Philadelphia sanitary sewer system as that amount charged by the City of Philadelphia for such service.

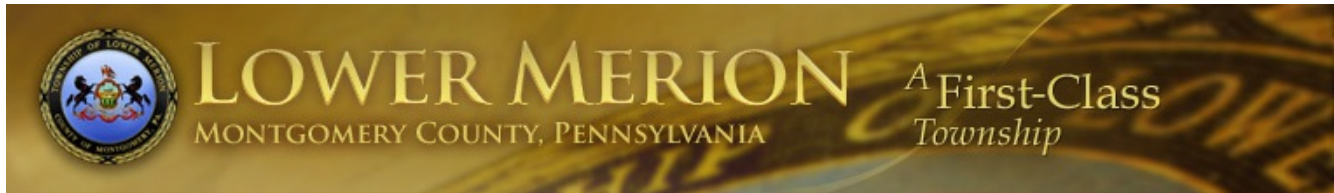


## **AGENDA ITEM INFORMATION**

COMMITTEE: Finance Committee

ITEM: APPROVAL OF AMERICAN RESCUE PLAN FUNDING REALLOCATION

Consider for approval a reallocation of American Rescue Plan funding as follows: \$1,000,000 in ARP funding previously dedicated to Cynwyd Heritage Trail/Affordable Housing to the Ardmore House expansion project (Job #4489); \$440,000 in ARP funding previously dedicated to E. Levering Mill Road Improvements (Job #4236) to fund a maximum of \$80,000 in consulting services related to the ARP program administration and the balance of these funds along with any additional interest earnings or other available ARP funds to support the Ardmore Avenue Community Center/PALM project (Job #4508).

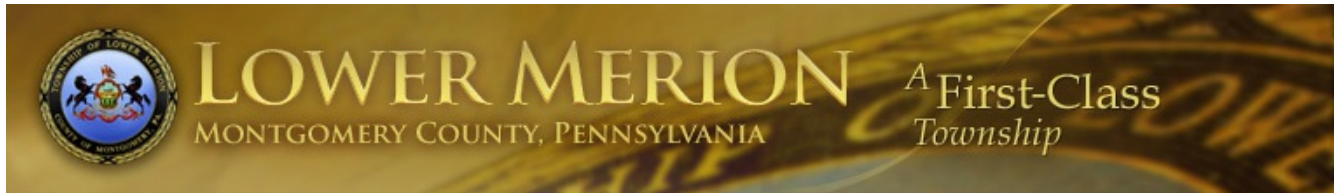


## **AGENDA ITEM INFORMATION**

COMMITTEE: Grants and Community Development Committee

ITEM: AUTHORIZATION TO ISSUE A LETTER OF SUPPORT TO THE PHILADELPHIA SKATING CLUB

Consider for approval authorizing the issuance of a Letter of Support to the Philadelphia Skating Club and Humane Society for a COVID-19 ARPA Multi-Purpose Community Facilities Program grant application.



## AGENDA ITEM INFORMATION

COMMITTEE: Library Committee

ITEM: RESOLUTION - AUTHORIZATION OF GRANT APPLICATION FOR CREATION OF A READING GARDEN AT PENN WYNNE LIBRARY

Consider for adoption a resolution authorizing the Township to submit a grant application in the amount of \$141,370 to the PA DCNR Community Conservation Partnership Program (C2P2) Grant to partially fund the creation of a reading garden at Penn Wynne Library.

### RESOLUTION

WHEREAS, the Township of Lower Merion desires to undertake the project Penn Wynne Library Reading Garden; and

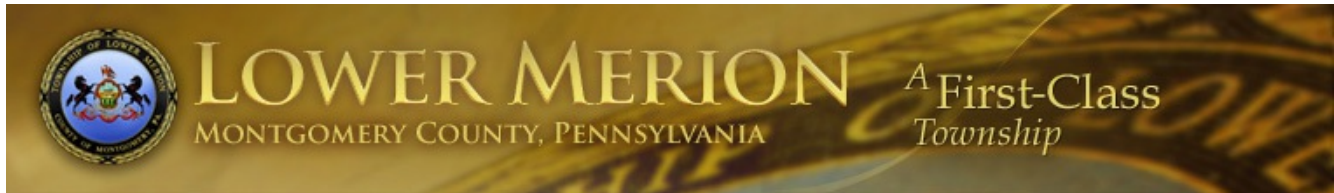
WHEREAS, the Township of Lower Merion desires to receive from the Department of Conservation and Natural Resources a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled “Terms and Conditions of Grant”; and

WHEREAS, the Township of Lower Merion understands that the contents of the document entitled “Terms and Conditions of Grant,” including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the Township of Lower Merion and the Department if the Township of Lower Merion is awarded a grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Lower Merion hereby authorizes Lynn Williamson, Director of Libraries, to execute all documents and agreements between the Township of Lower Merion and DCNR related to DCNR-C2P2, the Penn Wynne Library Reading Garden.





## **AGENDA ITEM INFORMATION**

COMMITTEE: Parks and Recreation Committee

ITEM: RESOLUTION - INDICATING THE NEW GRANT IDENTIFICATION NUMBER AND REAUTHORIZING EXECUTION OF GRANT RELATED DOCUMENTS FOR THE PARKSIDE-CYNWYD EXTENSION OF THE CYNWYD HERITAGE TRAIL PROJECT

Consider for adoption a resolution indicating the new grant identification number and reauthorizing the Township Manager to execute all documents and agreements, including reimbursement agreements, between the Township of Lower Merion and the Delaware Valley Regional Planning Commission (DVRPC) related to the Parkside-Cynwyd Extension of the Cynwyd Heritage Trail.

### RESOLUTION

WHEREAS, the Township of Lower Merion was awarded a PennDOT Transportation Assistance Program (TAP) grant in 2018 in the amount of \$533,997 for construction costs of the Parkside-Cynwyd Extension of the Cynwyd Heritage Trail; and

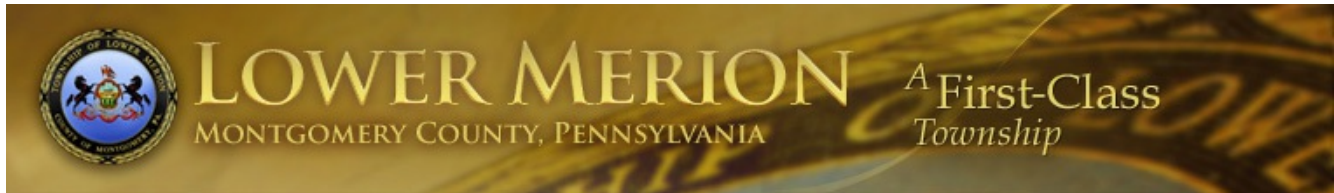
WHEREAS, the Township of Lower Merion was awarded an additional PennDOT Transportation Assistance Program (TAP) grant in 2022 in the amount of \$521,343 for a total grant amount of \$1,055,340; and

WHEREAS, the Township of Lower Merion was awarded an additional PennDOT Transportation Assistance Program (TAP) grant in 2023 in the amount of \$292,687 for a total grant amount of \$1,348,027; and

WHEREAS, the Township of Lower Merion was awarded an additional PennDOT Transportation Assistance Program (TAP) grant in 2024 in the amount of \$491,669 for a total grant amount of \$1,839,696; and

WHEREAS, this grant award requires the execution of various documents and agreements between the Township, PennDOT and the Delaware Valley Regional Planning Commission (DVRPC) which administers the grant program and Southeastern Pennsylvania Transportation Authority (SEPTA) which owns the land.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Lower Merion hereby authorizes Ernie B. McNeely, Township Manager, to execute all documents and agreements between the Township of Lower Merion, PennDOT, SEPTA and DVRPC related to Transportation Alternatives Set Aside Program Reimbursement Grant Agreement #R22060003-3 for the Parkside-Cynwyd Extension of the Cynwyd Heritage Trail.

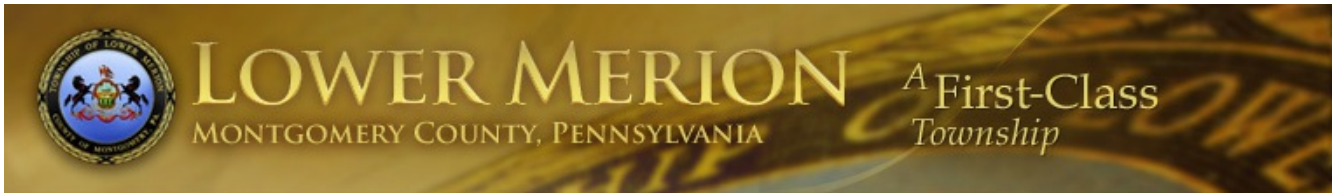


## **AGENDA ITEM INFORMATION**

COMMITTEE: Public Works Committee

ITEM: AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 5, ADMINISTRATIVE CODE AND CHAPTER 133, STREETS & SIDEWALKS - AMENDMENTS RELATED TO CIP RESPONSIBILITY, PERMITS AND VIOLATIONS

Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 5, Administrative Code, Article X, Finance and Budget, § 5-54, Capital Programs, to reassign responsibility for the Township's Capital Improvement Program, and Chapter 133, Streets And Sidewalks, Article I, Encroachments And Obstructions; Article II, Snow and Ice Removal; Article III, Right-of-way Occupancy, Excavation And Use; And Article IV, Defective Sidewalks And Curbs to amend regulations related to the issuance of certain permits and enforcement of violations.



## AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: PUBLIC HEARING AND ADOPTION OF ORDINANCE - CHAPTER 155, ZONING - VARIOUS MINOR ZONING AMENDMENTS - Z-23-010

An Ordinance to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article II, Definitions, § 155-2.1, Definitions Of Terms, to revise the definition for School and create a definition for Private School; Article III, General To Districts, § 155-3.4, Lot Locations, Subsection (F), to clarify the requirements for setbacks for accessory buildings and structures; Article III, General To Districts, § 155-3.5, Frontages, Subsection (F), to permit private electric vehicle charging stations in front yards in residential districts provided they meet the setback of the underlying district; Article III, General To Districts, § 155-3.14, Service And Trash Area Standards, Subsection (A), to clarify that the applicable setbacks are the principal setbacks; Article V, Uses, Tables 5.1, Uses, 5.2, Uses for Institutions, and 5.3, Use Regulations, to permit day-cares as a regulated use in the VC, TC, NC, LI, RHR, BMV, and CAD Districts subject to certain standards to be provided for therein; and Article XI, Process And Procedure, to conform §155-11.1, Zoning Administration, §155-11.2, Zoning Hearing Board, And §155-11.4, Zoning Enforcement, Penalties, Remedies, And Charges, to Pennsylvania's Municipalities Planning Code.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held February 21, 2024 and duly advertised in the March 31, 2024 and April 7, 2024 editions of the Main Line Times & Suburban.

### ATTACHMENTS:

Description	Type
☐ Proposed Ordinance - Minor Zoning Amendments	Ordinance
☐ Montco PC Letter	Backup Material

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article II, Definitions, § 155-2.1, Definitions Of Terms, To Revise The Definition For School And Create A Definition for Private School; Article III, General To Districts, § 155-3.4, Lot Locations, Subsection (F), To Clarify The Requirements For Setbacks For Accessory Buildings And Structures; Article III, General To Districts, § 155-3.5, Frontages, Subsection (F), To Permit Private Electric Vehicle Charging Stations In Front Yards In Residential Districts Provided They Meet the Setback Of The Underlying District; Article III, General To Districts, § 155-3.14, Service And Trash Area Standards, Subsection (A), To Clarify That The Applicable Setbacks Are The Principal Setbacks; Article V, Uses, Tables 5.1, Uses, 5.2, Uses for Institutions, And 5.3, Use Regulations, To Permit Day-Cares As A Regulated Use In the VC, TC, NC, LI, RHR, BMV, And CAD Districts Subject To Certain Standards To Be Provided For Therein; And Article XI, Process And Procedure, To Conform §§ 155-11.1, Zoning Administration, § 11.2, Zoning Hearing Board, And § 11.4, Zoning Enforcement, Penalties, Remedies, And Charges, To Pennsylvania's Municipalities Planning Code.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article II, Definition, § 155-2.1, Definitions, is hereby amended to revise the definition for School, and also create a new definition for Private School, as follows:

### PRIVATE SCHOOL

A school, other than a public school, maintained, or classes conducted, for the purpose of offering instruction for a consideration, profit or tuition to five or more pupils at one and the same time, or to twenty-five or more pupils during any school year, the purpose of which is to educate an individual generally or specially or to prepare an individual for more advanced study, and shall include all schools engaged in such education, except any type of private school which is nonacademic in character.

### SCHOOL

Any public, ~~parochial,~~ or private, ~~charitable or nonprofit school~~ place of education, including preschool, elementary, middle and high school, college and university, which may include instructional and recreational uses, living quarters, dining rooms, and other incidental facilities.

**Section 2.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article III, General to Districts, § 155-3.4, Lot Occupation, subsection (F), is hereby amended, in relevant part, as follows:

§ 155-3.4. Lot Occupation.

\* \* \* \* \*

- F. Accessory buildings and structures shall be erected to the rear of the principal building ~~shall comply with their underlying zoning districts and may project into the reduced side or rear yard setback as established in the form tables of the underlying district subject to compliance with the following:~~
- (1) ~~They may be erected to the rear of the principal building in the reduced side and rear setback as designated in the form tables of the underlying district in which they are located.~~

**Section 3.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article III, General to Districts, § 155-3.5, Frontages, subsection (F), is hereby amended, in relevant part, as follows:

§ 155-3.5. Frontages.

\* \* \* \* \*

- F. Frontage yards are subject to the requirements of Table 3.5.1, Frontage Yard Types, and the following:
- (1) The following structures and equipment are prohibited in frontage yards:

\* \* \* \* \*

- (h) Vehicular fueling device (gas pump, electric vehicle charging station).

- [1] Private electric vehicle charging stations are permitted in residential districts provided that they meet the principal building setback of the underlying zoning district and the following:

[a] The private electric vehicle charging station shall be placed as close to the principal building as practical.

[b] The height of the private electric vehicle charging station shall not exceed four (4') feet.

[c] The private electric vehicle charging station shall be screened from view from any frontage or any abutting residential property, to the extent practical and feasible.

**Section 4.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article III, General to Districts, § 155-3.14, Service and trash area standards, subsection (A), is hereby amended, in relevant part, as follows:

§ 155-3.14. Service and trash area standards.

- A. All outdoor storage, electrical, plumbing, mechanical, communications equipment and appurtenant enclosures, trash dumpsters and loading areas shall be located in compliance with required setbacks for principal buildings, shall be located behind the line of the facade, and screened from view from any frontage and from any abutting residential property, except across an alley. These shall not be allowed as encroachments on any setback, except for those existing at the effective date of this Code.

**Section 5.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article V, Uses, is hereby amended, in relevant part, as follows:

1. Table 5.1, Uses, is hereby amended to reflect Day-care as a regulated use, rather than a permitted use, in the VC, TC, NC, LI, RHR, BMV, and CAD Districts. The relevant portion of Table 5.1 shall hereafter read as follows:

Table 5.1. Uses												
<b>Key:</b> P = Permitted use R = Regulated use C = Conditional use S = Special exception												
<b>Uses</b>	<b>LDR</b>	<b>MDR</b>	<b>VC</b>	<b>TC</b>	<b>NC</b>	<b>I</b>	<b>LI</b>	<b>MC</b>	<b>BMMD</b>	<b>RHR</b>	<b>BMV</b>	<b>CAD</b>
Day-care			R	R	R	(3)	R			R	R	R

23. Table 5.3, Use Regulations, is hereby amended to add Day-care as a regulated commercial use in the VC, TC, NC, LI, RHR, BMV, and CAD Districts, subject to the following regulations. Where applicable, Table 5.3 shall hereafter include rows applicable to those Districts which are consistent with the following:

USES	USE PERMITTED			VC/N C	TC1	TC2
	VC	NC	TC			
COMMERCIAL (CONT'D)						
Day-care	R	R	R	Day-care uses shall be permitted subject to the following provisions: <ul style="list-style-type: none"><li>• <b>Day-care</b> Staff shall monitor drop-offs/pick-ups in order to ensure that surrounding traffic circulation is maintained and unimpeded.</li><li>• 200 linear feet of space for queuing during drop-offs/pick-ups, in compliance with 155- 8.7B, Loading, unloading and queuing, shall be provided; except that one designated parking space in addition to any parking spaces required pursuant to Article VIII, Parking Standards, may alternatively be provided as a dedicated drop-off/pick-up area in lieu of every twenty feet of required queuing that cannot otherwise be provided.</li></ul>		

**Section 6.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XI, Process and Procedure, is hereby amended, in relevant part, as follows:

1. Section 155-11.1, Zoning administration, subsection (B) is hereby amended to read as follows:

§ 155-11.1. Zoning Administration.

\* \* \* \* \*

B. Administrative processes and procedures for determining compliance with the provisions of this chapter are established in this article, except that it is not the intent of this article to amend any applicable standards or procedures established by the Pennsylvania Municipalities Planning Code which may be in conflict herewith.

2. Section 155-11.1, Zoning administration, subsubsection (E)(8) is hereby amended to read as follows:

§ 155-11.1. Zoning Administration.

\* \* \* \* \*

E. Zoning permits and preliminary opinions.

\* \* \* \* \*

- (8) Application for preliminary opinion. Pursuant to § 10916.2 of the Municipalities Planning Code (53 P.S. § 10961.2), with respect to a challenge related to an application for land development, in order not to unreasonably delay the time when a landowner, who intends to build to secure assurance that the proposed development, relative to this chapter, is free from challenge, and recognizing that the procedure for preliminary approval of their development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any such challenge by adhering to the following procedure:

\* \* \* \* \*

- (b) If the Zoning Officer's preliminary opinion is that the use or development complies with the provisions of this chapter, notice thereof shall be published each week for two successive weeks in a newspaper of general circulation in the Township and the property shall be posted with the preliminary opinion. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. Appeal from a favorable preliminary approval shall be to the Zoning Hearing Board, the time therefor to run from the date when the second notice thereof has been published.

3. Section 155-11.2, Zoning Hearing Board, subsection (B), Jurisdiction, is hereby amended, in relevant part, as follows:

§ 155-11.2. Zoning Hearing Board.

\* \* \* \* \*

B. Jurisdiction.

- (1) Pursuant to § 10909.1 of the Municipalities Planning Code (53 P.S. § 10909.1), the Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following  
~~matters:~~ consistent herewith.

- ~~(a) Appeals: to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this chapter, including:~~



~~[1] Challenges to the validity of a land use code raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.~~

~~[2] Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.~~

~~[3] Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard regulation or such provisions within a land use code.~~

~~[4] Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).~~

(a) The Zoning Hearing Board shall have exclusive jurisdiction in the following matters:

[1] Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Commissioners pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended (53 P.S. §§ 10609.1 and 10916.1(a)(2)).

[2] Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.

[3] Appeals from a determination related to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

[4] Applications for variances under this Code or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section § 10910.2 of the Municipalities Planning Code (53 P.S. § 10910.2)

[5] Applications for special exceptions under this Code or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section § 10912.1 of the Municipalities Planning Code (53 P.S. § 10912.1).

[6] Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Code.

[7] Appeals from the determination of the Zoning Officer with respect to a Preliminary Opinion issued pursuant to § 155-11.1.E(8).

[8] Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications pursuant to the Municipalities Planning Code (53 P.S. § 10501 et seq. and 53 P.S. § 10701 et seq., respectively).

~~(b) Special exceptions: to hear and decide special exceptions to the terms of this chapter in such cases as are herein expressly provided for.~~

~~(c) Variances: to authorize upon appeal in accordance with the law, in specific cases, variances from the terms of this chapter.~~

(b) Rules of procedure. The Board may adopt rules of procedure in accordance with the several provisions of this chapter as to the manner of filing appeals or applications for special exceptions or variances from the terms of this chapter.

4. Section 155-11.4, Zoning enforcement; penalties; remedies; charges, is hereby repealed in its entirety and shall be replaced with the following:

§ 155-11.4. Zoning enforcement; penalties; remedies; charges.

A. A failure to secure a building permit, zoning permit or Zoning Hearing Board certificate prior to the erection, construction, extension or addition to a building, when required, or a failure to secure a use registration permit prior to the initiation of that use shall be a violation of this chapter.

- B. The Zoning Officer shall issue an enforcement notice to any person, firm, partnership, corporation, or other entity responsible for violating any of the provisions of this chapter, or any amendment thereto, or any detailed statement or a plan approved thereunder. If the enforcement notice is not complied within the time period set forth in said notice, unless extended by appeal to the Zoning Hearing Board, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign, and/or land involved in said violation or impose such other sanctions described in the enforcement notice.
- (1) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
  - (2) An enforcement notice shall state at least the following:
    - (a) The name of the owner of record and any other person against whom the Township intends to take action.
    - (b) The location of the property in violation.
    - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
    - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - (e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
    - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- C. In any appeal of an enforcement notice to the zoning hearing board, the municipality shall have the responsibility of presenting its evidence first.
- D. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result

thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.

- E. In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or of any regulations made pursuant hereto, the proper officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building or land or to prevent any illegal act, conduct, business or use in or about such premises.
- F. Charges and fees for appeals, applications, petitions and certifications shall be paid as set forth in the Township Schedule of Fees, as adopted and amended from time to time by the Board of Commissioners; provided, however, that any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

**Section 7.** Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

**Section 8.** Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

**Section 9.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 10.** This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this  
day of \_\_\_\_\_, 2024.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Todd M. Sinai, President

ATTEST:

\_\_\_\_\_  
Jody L. Kelley, Secretary

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JAMILA H. WINDER, CHAIR  
NEIL K. MAKHIJA, VICE CHAIR  
THOMAS DIBELLO, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722 • FAX: 610-278-3941  
[WWW.MONTGOMERYCOUNTYPA.GOV](http://WWW.MONTGOMERYCOUNTYPA.GOV)

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

March 19, 2024

Mr. Christopher Leswing, Director of Building & Planning  
Building & Planning Department  
Township of Lower Merion  
75 East Lancaster Avenue  
Ardmore, PA 19003

Re: MCPC #22-0100-006  
Zoning Cleanups  
Township of Lower Merion

Dear Mr. Leswing,

We have reviewed the above-referenced zoning ordinance text amendments in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code" as you requested on March 1, 2024. We forward this letter as a report of review and recommendations.

## BACKGROUND

The township is proposing several amendments to their zoning ordinance including:

- Create a new definition for "Public School" and modify the existing definition of "School"
- Clarify that accessory buildings must be located to the rear of the principal building
- Create standards for private electric vehicle charging stations in residential districts
- Clarify that outdoor storage, electrical, plumbing, mechanical, communications equipment and appurtenant enclosures, trash dumpsters and loading areas shall comply with the applicable principal building setbacks
- Make "day-care" a regulated use (where it is currently a permitted use) in the VC, TC, NC, LI, RHR, BMV, and CAD zoning districts and add regulations related to "day-care" in these districts
- Make various amendments to Article XI, Process and Procedure

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the township's proposed zoning ordinance text amendments. However, in the course of our review we identified the following issues that

the township may wish to consider prior to adopting the proposed zoning text amendments. Our review comments are as follows:

## REVIEW COMMENTS

### ELECTRIC VEHICLE CHARGING STATIONS

We commend the township for continuing to explore creative ways to facilitate the installation of electric vehicle charging infrastructure in different contexts. However, we wish to offer several suggestions and observations related to the proposed amendment:

Relationship to Frontage Yard: Currently, §155-3.5.F.(1)(h) prohibits “vehicular fueling device (gas pump, electric vehicle charging station)” from being located within the frontage yard, which is defined as “the area between a building facade and the cartway.” Proposed §155-3.5.F.(1)(h)[1] would allow EVCS in the frontage yard provided that the EVCS still “meet the principal building setback of the underlying zoning district.” This language appears to limit EVCS installation for properties where the building façade is already built-up to the principal building front setback, unless the driveway extends beyond the building facade. Therefore, we feel it is important to clarify whether the EVCS can be attached to the façade of the building and allowed to project slightly into the principal building front setback, similar to a utility meter or garden hose holder.

Types of Residential Districts Where Applicable: Proposed §155-3.5.F.(1)(h)[1] appears to allow private electric vehicle charging stations for all uses in all residential districts, which could include both single-family and multi-family properties, for example. We suggest that the language be clarified if it is the township’s intent to only allow private EVCS for single-family homes with existing driveways. On the other hand, if the township’s intent is to allow EVCS in the frontage yard of multi-family properties, specifying a maximum number of chargers per frontage yard and/or per property may be beneficial.

On-Street Electric Vehicle Charging Stations: The proposed amendment does not appear to address the electric vehicle charging infrastructure needs of township residents who do not have a garage or driveway and rely on on-street parking. We encourage the township to consider exploring ways to address on-street electric vehicle charging infrastructure in the future.

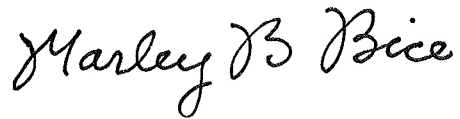
## CONCLUSION

We wish to reiterate that MCPC generally supports the proposed zoning ordinance text amendments; however, we encourage the township to evaluate the issues raised above.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposed amendments will be made by the municipality.

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Marley B Bice". The signature is written in a cursive, flowing style.

Marley Bice, AICP, Community Planning Assistant Manager  
610-278-3740 – [marley.bice@montgomerycountypa.gov](mailto:marley.bice@montgomerycountypa.gov)

c: Ernie B. McNeely, Twp. Manager  
Jody Kelley, Twp. Secretary  
Gilbert P. High, Jr., Esq., Twp. Solicitor  
Joseph Mastronardo, P.E., Twp. Engineer  
Charles Doyle, Twp. Asst. Dir. of Planning  
Colleen Hall, Twp. Senior Planner  
Jillian Puleo-Dierks, Twp. Senior Planner  
Holly Colello, Twp. Planner  
Sarah Carley, Twp. Planner





## AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: ADOPTION OF ORDINANCE - CHAPTER 105, NOISE AND EXTERIOR LIGHTING - NOISE AMENDMENTS - Z-22-012

An Ordinance to amend the Code of The Township of Lower Merion, Chapter 105, entitled Noise And Exterior Lighting, Article II, Noise, to amend the regulations for the prohibition of excessive noise, maximum permissible sound pressure levels, noise measurement locations, exemptions, and violations and penalties including but not limited to the institution of an administrative fee for a failure to comply with Article II, Noise.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held March 20, 2024 and duly advertised in the March 31, 2024 and April 7, 2024 editions of the Main Line Times & Suburban.

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proposed Ordinance - Noise Amendments	Ordinance

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 105, Entitled Noise And Exterior Lighting, Article II, Noise, To Amend The Regulations For The Prohibition of Excessive Noise, Maximum Permissible Sound Pressure Levels, Noise Measurement Locations, Exemptions, And Violations And Penalties Including But Not Limited To The Institution Of An Administrative Fee For A Failure To Comply With Article II, Noise.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-2, Excessive noise prohibited, is hereby amended to read as follows:

§ 105-2 Excessive noise prohibited.

It shall be unlawful for any person to make or produce excessive noise, ~~thereby causing annoyance, inconvenience or detriment to the public or to any other person or persons.~~ Noise shall be considered excessive if the sound ~~is subject to this chapter and the sound exceeds the limits hereinafter set forth~~ exceeds the limits set forth in § 105-3 below.

**Section 2.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-3, Maximum permissible sound pressure levels, is hereby amended in its entirety to read as follows:

§ 105-3 Maximum permissible sound pressure levels.

- A. No person or equipment shall create or cause, or permit the creation of, sound having an Equivalent Continuous Sound Pressure Level received by a residential property that exceeds 5 decibels above background level or the limits set forth in the chart below.
- B. No person or equipment shall create or cause, or permit the creation of, sound having an Equivalent Continuous Sound Pressure Level received by a non-residentially used or zoned property that exceeds 7 decibels above background level or the limits set forth in the chart below.

AC. Notwithstanding the provisions in A and B above, during daytime or nighttime hours, the maximum permissible sound pressure levels and average levels shall not exceed those set forth in the following chart:

Maximum A-Weighted Sound Pressure Levels (SPL) 8:00 a.m. - 8:00 p.m. Daytime/8:00 p.m. - 8:00 a.m. Nighttime			
Zoning District of Receiving Property	Time of Day	Maximum SPL (dBA)	LEQ Average SPL (dBA)
Residential (R)	Daytime	<u>5775</u>	<u>5270</u>
	Nighttime	<u>5260</u>	<u>4550</u>
Nonresidential (C)	Daytime	<u>6775</u>	<u>6270</u>
	Nighttime	<u>6265</u>	55

~~B. If the background sound level measured at the receiving property line at the time of a noise complaint are within five dBA of the limits in this chart, or above such limits, then the levels in this chart shall not apply, and the following standards shall apply:-~~

- ~~(1) The maximum SPL and the LEQ average SPL levels shall be increased by five dBA over the background sound level up to a maximum of 75 dBA.~~
- ~~(2) The background sound level shall be measured at the same location as the measurement for the sound contribution of the specific source in question and at a time immediately preceding that measurement.~~

**Section 3.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-4, Noise measurement locations, is hereby amended to read as follows:

§ 105-4 Noise measurement locations.

- A. Sound measurements shall be made on the receiving property within 10 feet from the property line nearest the noise source, at least five feet from any structure that reflects sound, and at least three feet above the ground. Where the source of the noise occurs within a multi-unit building, or where buildings have a common party wall, the measurement shall be taken in a habitable space in the complainant's dwelling unit closest to the noise source.
- B. The background sound level shall be measured at the same location as the measurement for the sound contribution of the specific source in question and at a time immediately following that measurement. All sound measurements shall be made using the zoning district permissible sound pressure limits of the receiving property found in 105.3.

**Section 4.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-6, Exemptions, is hereby amended to read as follows:

- A. The following activities are exempt from the provisions of this chapter, subject to compliance with any restrictions listed below:

\* \* \* \* \*

- (2) Noise created by refuse collection services, street sweepers, deliveries, and other similar activities associated with a permitted land use shall be exempt during the times as provided below:

~~(a) Residential districts: only during the hours of 7:00 a.m. to 6:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays;~~

~~(b) Nonresidential districts: only during the hours of 6:00 a.m. to 8:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays.~~

(a) Only during the hours of 7:00 a.m. to 8:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays.

(e) Upon application, the Director of Building and Planning may grant an exception to the aforesaid activity exemptions set forth in this § 105-6A(2) if reasonably necessary to conduct the activity in question for a specifically limited duration, and as appropriate, subject to reasonable conditions to protect the public welfare. The decision of the Director of Building and Planning on such application shall be appealable in accordance with the procedures set forth in Chapter 5 of the Township Code.

\* \* \* \* \*

- (5) Concerts, block parties, graduations, wedding receptions, religious ceremonies, sporting or recreational activities, carnivals, festivals, or other performances or similar activities (public or private) shall be exempt, provided that:

- (a) Such activities, except for sport shooting on ranges existing on July 1, 2017, do not produce sound at the property line in excess of the sound levels set forth in § 105-3; and

- (b) Such exemption shall not apply from 10:00 p.m. to 8:00 a.m. the following day, Sunday through Thursday, or from 11:00 p.m. to 9:00 a.m. the following day on Friday and Saturday and federal holidays.

\* \* \* \* \*

- (7) Noise created by emergency generators during a power outage. Noise created by emergency generator testing shall be exempt, but only during the hours between 10:00 a.m. and 4:00 p.m. for a maximum of 20 minutes; provided however, that if generator testing from 10:00 a.m. to 4:00 p.m. is prohibited by another governmental entity, then testing occurring after 4:00 p.m., but no later than 8:00 p.m., shall be exempt.

\* \* \* \* \*

- ~~(10) Residential mechanical equipment that is operating normally is permitted to create an average sound pressure up to 70 decibels when measured in accordance with § 105.4.~~

- ~~(11) Commercial mechanical equipment that is operating normally and is located or terminated at roof level with sound baffling screening panels, is permitted to create an average sound pressure up to 75 decibels when measured in accordance with § 105.4.~~ Mechanical equipment that was in place and Code compliant as of the date of enactment and that is operating normally, but above the limits set forth in § 105-3 is required to be brought into compliance to the greatest extent possible, as determined by the Director of Building and Planning or his/her designee, by use of sound baffling or other screening technology.

- ~~(12) Noise created by life safety equipment including but not limited to fire pumps, sirens, required fire alarm systems, and ventilation systems controlled by CO detectors or similar devices.~~

- ~~(13) Aircraft and Railway Transportation.~~

\* \* \* \* \*

- C. Where there is a conflict between a specific provision and a general provision of this ordinance, the specific provision shall take precedent.

**Section 5.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-7, Violations and penalties, is hereby amended to read as follows:

- A. As authorized by Chapter A167-1, Fees, § A167-1, Schedule of fees, of the Lower Merion Township Code of Ordinances, if the Township Building and Planning Department, or its designee, is called to a property two or more times within any sixty (60) day period to investigate noise complaints, upon confirmation of any

violation of this Code related thereto, the property owner shall be assessed a reinspection fee of \$75.00 for each inspection thereafter.

**A.B.** Any person who shall fail to comply with any of the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty of not less than ~~\$25~~100 nor more than \$1,000 for each offense. Whenever such person shall have been notified by the Director or by the service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day in which he shall continue such violation after notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected before any District Justice as like fines or penalties are now by law collected.

**Section 6.** Nothing in this Ordinance or in Chapter 105 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 105 prior to the adoption of this amendment.

**Section 7.** Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

**Section 8.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 9.** This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Todd M. Sinai, President

ATTEST:

\_\_\_\_\_  
Jody L. Kelley, Secretary



## AGENDA ITEM INFORMATION

COMMITTEE: Police Committee

ITEM: ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - PENWYN ROAD PARKING RESTRICTIONS

An Ordinance to amend the Code of the Township of Lower Merion, Chapter 145, entitled Vehicles And Traffic, Article XV, Schedules, Section 145-118, Schedule XVIII: Parking Time Limited, to establish a four hour parking regulation during certain hours, except Saturday and Sunday, on both sides of Penwyn Road between Penn Road and Bolsover Road, the distance of 185 feet.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held March 20, 2024 and duly advertised in the March 31, 2024 and April 7, 2024 editions of the Main Line Times & Suburban.

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proposed Ordinance - Penwyn Rd Parking	Ordinance

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 145, Entitled Vehicles And Traffic, Article XV, Schedules, Section 145-118, Schedule XVIII: Parking Time Limited, To Establish A Four Hour Parking Regulation During Certain Hours, Except Saturday And Sunday, On Both Sides of Penwyn Road Between Penn Road And Bolsover Road, The Distance Of 185 Feet.**

The Board of Commissioners of the Township of Lower Merion does hereby enact and ordain:

**Section 1.** The Code of the Township of Lower Merion, Chapter 145, entitled Vehicles and Traffic, Article XV, Schedules, §145-118, Schedule XVIII: Parking Time Limited, is hereby amended by the addition of the following regulation:

**§145-118. Schedule XVIII: Parking Time Limited**

Name of Highway	Side	Hours	Location
Penwyn Road	Both	4 hour parking 7:00 a.m. to 3:00 p.m. except Sat. and Sun.	Between Penn Road and Bolsover Road the distance of 185 feet.

**Section 2.** Nothing in this Ordinance or in Chapter 145 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 145 prior to the adoption of this amendment.

**Section 3.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.



**Section 4.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this            day of            , 2024

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Todd M. Sinai, President

ATTEST:

\_\_\_\_\_  
Jody L. Kelley, Secretary