

Chapter 3

Miscellaneous

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Part 1**Maintenance of Street Address Numbers
Upon Occupancy Buildings****§3-101. Background and Justification.**

1. The purpose of this Part is to provide for a uniform, logical and readily observable street address identification system for all occupiable properties in the Township, whether residential, commercial, or industrial. Such a system is necessary in order to ensure that appropriate emergency response (police, fire, medical, etc.) can be effectively achieved throughout New London Township. With the recent establishment of a County-wide 911 communications system, it is essential that a unique identifier be established for each property and that the correct identification can be directly associated with the actual, physical location of the property.

2. Every effort will be made to minimize inconveniences to present residents of New London Township due to this system, but changes to some current street numbers are inevitable where confusing, overlapping or irregular numbering exists. Further, some existing properties have never had a number assignment and even though mail delivery at the property is not presently contemplated, a number must still be assigned and posted in order to identify the property for potential emergency access.

(Ord. 12-94-1, 12/5/1994, §I)

§3-102. Applicability.

This Part applies to all principal buildings within New London Township, Chester County, Pennsylvania, and upon each tract, lot or parcel of land.

(Ord. 12-94-1, 12/5/1994, §II)

§3-103. Definitions.

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

Principal Building - any building or structure present on a tract, lot or parcel of land in which a regular occupancy or use is carried out. This includes a dwelling, place of business or industry, or any other use requiring a location identity.

Accessory Building - A subordinate building, the use of which is customarily incidental to that of a principal building, located on the same lot, and is used for an accessory use only.

(Ord. 12-94-1, 12/5/1994, §III)

§3-104. Assignment of Numbers.

1. Street address numbers shall be assigned to each building, tract, lot or parcel of land, placed on file in the New London Township office and assigned to owners or occupants of such buildings, tracts, lots or parcels of land by the Township Administrative Officer or by such other person as may be designated by a resolution of the Board

of Supervisors. Once assigned, all such properties shall be designated for all purposes by the number assigned, and thereafter all persons shall take due notice thereof and comply with the provisions of this Part.

2. The Township Administrative Officer, or such other person as may be designated, shall have the power and duty to correct any errors with respect to assignment of street address numbers, as and when such errors are discovered. The Board of Supervisors shall have the right and power to change a street address number or numbers assigned to any property whenever it may deem such a change necessary and desirable, and require the owner or the occupant thereof to comply with the provisions of this Part with respect to such change.

(Ord. 12-94-1, 12/5/1994, §IV)

§3-105. Application for Street Address Number.

The owner or occupant of each tract, lot or parcel of land to which no street address number has previously been assigned shall, upon purchase or occupancy thereof or within 7 days of discovery that no such number has been assigned, make application to the Township Administrative Officer or designated agent for assignment of such number, and thereupon a correct street address number shall be assigned to that property.

(Ord. 12-94-1, 12/5/1994, §V)

§3-106. Number of Subdivision Lots.

1. The Township Administrative Officer shall be responsible for assigning proper street address number sequences to the lots which are created as a result of a subdivision. Said numbers shall be in proper municipal sequence in relation to the numbers assigned to other lots fronting on the same street and shall be properly recorded on the subdivision plan.

2. When the assignments required under subsection .1 hereof have been completed for previously approved subdivisions, they shall be appended to the final subdivision plan and thereby incorporated therein by reference. No subdivider shall sell or convey any lot or dwelling unit or other principal building upon said lot; nor lease or otherwise permit the use and occupancy thereof, without first complying with the requirements of this Part.

3. The requirements for application for street address number and display thereof shall be a condition precedent to the submission of any application for an occupancy permit.

(Ord. 12-94-1, 12/5/1994, §VI)

§3-107. Size and Location of Numbers.

1. In order to comply with this Part, street address numbers shall be Arabic in design, shall have a minimum height of 3 inches and shall be mounted in secure fashion by one or more of the approved manners. The numbers shall be sufficiently legible as to contrasting background, arrangement, spacing, size, and uniformity of

numerals so that the numbers may be read with ease during daylight hours by a person possessing normal vision, if he views the numbers from the centerline of the facing street. The numbers shall be placed so that trees, shrubs and other obstructions do not block the line of sight of the numbers from the center of the street. Auxiliary numbers, when required, shall be mounted at a height between 4 and 10 feet upon the adjacent grade or exterior landing beneath, but never higher than, 15 feet above the adjoining grade.

2. *Approved Manner.*

A. Occupancies with mailboxes at the end of driveway shall display numbers on both sides of the mailbox or support post. When mailboxes are placed on the opposite side of the facing street from the occupancy, auxiliary numbers shall be provided on the property in addition to the mailbox numbers. When two or more mailboxes are located side-by-side together in a row, then numbers shall be placed on the fronts of the mailboxes.

B. Occupancies without mailboxes at the end of driveways shall place numbers in the general vicinity of the main entrance or path of travel which leads to the principal building(s). Such numbers must be clearly visible from the center of the street.

C. Those occupancies with no mailboxes which are built down long driveways or occupancies which are not visible from the street shall have a marker or post of noticeable size placed at the driveway entrance. If more than one occupancy or principal building shares the driveway, then each occupancy shall be so numbered and in a manner which clearly distinguishes each one.

D. Occupancies with shared driveways shall also display auxiliary numbers at or near the main entrance of each principal building according to the specifications herein.

(Ord. 12-94-1, 12/5/1994, §VII)

§3-108. Violations and Penalties.

1. The absence of street numbers, or the insecure fastening or absence of any numeral thereof, or the use of any street address number not assigned by the Township Administrative Officer, or the failure of a street address number to meet the elevation requirements or the visibility requirements shall be a violation of this Part. Upon discovery, a notice of violation shall be sent by certified mail to the property owner or occupant, or shall be posted in a prominent place upon the property by the Township Zoning Officer or his agent, or shall be personally served upon the property owner or occupant by his agent. Such notice shall specify the specific provision of this Part violated and shall require compliance with that provision within 15 days from the service or posting of the notice.

2. When any person fails to comply with the notice of violation within the stated time frame, the Township shall have the right to place the appropriate identification signs on the property and to charge the owner/occupant with the costs associated therewith. If such costs are not reimbursed to the Township within 30 days of notice

thereof, the Township shall have the right to place a lien against the property for same.

3. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more \$500 dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 12-94-1, 12/5/1994, §VIII)

§3-109. Enforcement.

The final authority for determining and assigning the street number or numbers to be used upon any particular property, as well as the enforcement of this Part, shall be in the office of the Township Administrative Officer, his agent, or such other person as provided for in §3-103 of this Part.

(Ord. 12-94-1, 12/5/1994, §IX)

Part 2**Agricultural Security Area****§3-201. Agricultural Security Area.**

This Part was adopted by the Supervisors of New London Township on the day of April 8, 1991, to create an Agricultural Security Area within New London Township comprised of eight parcels totaling 876.3 acres. A detailed description of the parcel included in the Agricultural Security Area is as follows:

Landowner	Parcel Number	Acreage
Mary L. G. Conner	71-4-30	60.2
Joseph & Anne Kieras	71-3-21, 32	116.4
Arthur & Nancy Lenhart	71-3-26, 33	103
Chester & Joanne Lewis	71-1-35, 41, 47, 3	131.2
Clifford Owens	71-3-39	24.7
Everett & Mary Priestley	71-3-42 & 71-4-1	192.4
John & Joan St. John	71-1-46 & 71-3-38	120.1
James & Margaret Healy	71-4-27	128.3

(Ord. 4-91-1, 4/8/1991)

Part 3**New London Township Parking Ordinance****§3-301. Parking Restrictions.**

Parking of commercial and residential vehicles within the rights-of-way of the streets and roads of New London Township is prohibited unless the road cartway exceeds a width of 24 feet.

(Ord. 2004-1, 3/18/2004, §7-101)

§3-302. Exclusions of Parking Restrictions.

1. Emergency and safety vehicles are excluded from all parking restrictions identified in §3-301.

2. Prior written consent of the road master of New London Township shall be deemed an exclusion of the restrictions of §3-301.

3. An exclusion covering less than 24 hours for multiple vehicles for activities such as parties may be obtained by calling the Township office, and providing the following information:

- A. Address of party/event.
- B. Phone number of the above address.
- C. Anticipated duration of the party/event.
- D. Anticipated number of vehicles requiring off-street parking.

4. As necessary, over-night or extended exclusions may be obtained by calling the Township office, and providing the following information:

- A. Vehicle owner's name
- B. Location where vehicles will be parked
- C. Make, model and color of vehicles
- D. License place number of vehicles.

5. As necessary, exclusions are limited to three occurrences per annum and a maximum of 7 days in duration per exclusion. Exclusions are intended to be temporary and to be used during times when parking in a driveway is not possible.

(Ord. 2004-1, 3/18/2004, §7-201)

§3-303. Parking Restriction Signs.

Parking signs will not be erected.

(Ord. 2004-1, 3/18/2004, §7-301)

§3-304. Non-Conformance Penalties.

1. Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$500.00 plus costs.

2. The Township ordinance enforcement officer shall be responsible for enforcement of this part.

(Ord. 2004-1, 3/18/2004, §7-401)

Part 4**Uniform Construction Code****§3-401. Implementation of Uniform Construction Code.**

1. New London Township 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 New London Township Building Code.

3. Administration and enforcement of the Code within New London Township shall be undertaken in any of the following ways as determined by the Board of Supervisors from time to time by resolution:

A. By the designation of an employee of New London Township to serve as code official to act on behalf of New London Township.

B. By the retention of one or more construction code officials or third party agencies to act on behalf of New London Township.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal 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 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. All building code ordinances or portions of ordinances which were adopted by New London Township 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 Codes, as amended from time to time.

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

7. All relevant ordinances, regulations and policies of New London Township not governed by the Code shall remain in full force and effect.

8. Fees assessable by New London Township for the administration and

enforcement undertaken pursuant to this Section and the Code shall be established by the Board of Supervisors from time to time.

(Ord. 2004-02, 4/1/2004)

Part 5**Junkyards and Refuse****§3-501. Short Title.**

This Part shall be known and may be cited as the “Township Junkyard and Refuse Ordinance.”

(Ord. 1/7/1984, §1)

§3-502. License.

No person shall engage in business as a junk dealer or automobile salvage yard dealer, or maintain a junkyard or automobile salvage yard, without first having obtained a license from the Board of Supervisors of New London Township, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the 12-month period beginning January 1 and ending December 31 of the following year, and each license must be renewed annually on or before the first day of January of each year.

(Ord. 1/7/1984, §3)

§3-503. Application for License.

The license provided for in this Part shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard or salvage yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove-mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

(Ord. 1/7/1984, §4)

§3-504. Issuance of License.

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations therein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this Part.

(Ord. 1/7/1984, §5)

§3-505. License Fee.

The license fee shall be paid immediately upon the issuance of or renewal of a

license. The amount of the license fee shall be in an amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 1/7/1984, §6; as amended by Ord. 2003-9-1, 9/4/2003*)

§3-506. License Limitation.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard for the purpose of buying, selling and dealing in junk; or maintain more than one automobile salvage yard for the purpose of dealing in used automotive parts obtained from a used motor vehicle. No person shall engage in business as a junk dealer or salvage yard dealer in any place other than the place designated upon his license, or maintain a junk yard or salvage yard in any place other than the place designated upon his license.

(*Ord. 1/7/1984, §7*)

§3-507. Transfer of License.

No license issued by the Board shall be transferrable by the licensor to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in §3-603 of this Part, by the transferee.

(*Ord. 1/7/1984, §8*)

§3-508. Transfer Fee.

In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee in an amount as established from time to time, by resolution of the Board of Supervisors.

(*Ord. 1/7/1984, §9; as amended by Ord. 2003-9-1, 9/4/2003*)

§3-509. Records.

Every person, licensed under this Part shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person and shall be at all times subject to the inspection of any official of the Township.

(*Ord. 1/7/1984, §10*)

§3-510. Delay in Disposal.

Every person, licensed under this Part, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

(*Ord. 1/7/1984, §11*)

§3-511. Regulations.

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner proscribed by this Section and any subsequent regulations adopted by the Board:

A. All junkyards in New London Township must be entirely surrounded by an eight (8) foot high fence of solid board, or a cyclone fence, in order to prevent children from entering the premises and being exposed to the danger of playing with the articles commonly found in such a place.

B. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

C. No garbage or other organic waste shall be stored in such premises.

D. Whenever any motor vehicles shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyards provided the same be placed in containers approved by the Board. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.

E. The manner of storage and arrangements of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting purposes.

F. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junk yard as described in the application for license hereunder, and as limited under subsection .E above.

G. A person licensed under this Part shall not burn more than one motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time. Burning of vehicles must be attended and controlled at all times.

H. The premises to be licensed shall be set back a minimum distance of 150 feet from the right-of-way lines on all streets or roads or 175 feet from the center line on all streets or roads, whichever distance is greatest, and a minimum distance of 125 feet from all other property lines. The area between the set back line and the right-of-way line and all streets and roads and all other property lines shall be at all times, kept clear and vacant.

I. When the Board shall deem it necessary and desirable, the premises to be licensed shall be at the set back lines enclosed by a fence as described in subsection .A above.

(Ord. 1/7/1984, §12)

§3-512. Remedies.

Any person, either as owner or tenant of real estate, excepting; however, those persons properly licensed hereunder, who permits any abandoned motor vehicle to be

located on the premises shall be considered in violation of this Part and shall be subject to the penalties as herein provided for violations of this Part.

(*Ord. 1/7/1984*, §13)

§3-513. Violations.

Any person, firm or corporation who shall maintain a nuisance in violation of this Part or violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offense under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues, or each Section of this Part which shall be found to have been violated, shall constitute a separate offense.

(*Ord. 1/7/1984*, §14; as amended by *Ord. 2003-9-1*, 9/4/2003)

§3-514. Abatement of Nuisances.

In addition to the remedies provided in §3-512 above, any continued violation of this Part shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 1/7/1984*, §15)

Part 6**New London Township Driveway Ordinance****§3-601. Applicability.**

1. The terms of this Part shall apply to all new driveways and all existing driveways that are improved after the effective date of this Part.

A. Driveway improvements subject to this Part include, but are not limited to, paving, widening for the purpose of creating additional lanes, and constructing, changing, or modifying a driveway entrance. Routine or minor repair and maintenance work is excluded from the terms of this Part, except in the case where the original design or existing configuration will be changed.

B. Where the New London Township Zoning Ordinance [Chapter 1] contains standards for vehicle access and traffic control or interior circulation, and/or where that Chapter contains access standards specific to a particular land use, those standards shall govern the construction or improvement of a driveway.

2. For driveways accessing State roads, the portion of the driveway within the State road right-of-way shall comply with this Part or the PennDOT regulations governing driveway access to State roads, whichever is more restrictive. For those portions of the driveway outside the State road right-of-way, the provisions of this Part shall apply.

3. A private driveway shall be provided for each property containing a principal use (excluding agriculture but including any concentrated animal feeding operation (CAFO) in the Township, and its construction shall be in accordance with the regulations of this Part in order to provide safe access to Township and State roads and to prevent problems of stormwater runoff.

(Ord. 2010-06, 7/1/2010, §1)

§3-602. Permit Requirements.

1. A driveway construction permit is required in connection with any driveway improvement, as described in §3-601.1.

2. A permit application shall be submitted to the Township Zoning Officer by the property owner, or authorized representative of the owner, prior to the start of any work covered under this Chapter. The application shall be on a form provided by the Township, and shall include:

A. A completed application form.

B. Plan to approximate scale, showing existing driveways, drains, culverts, and swales within 50 feet of the proposed driveway or driveway improvement.

C. Sections, profiles, details, and/or specifications, as appropriate, to fully describe the proposed work.

D. Application fee as established by resolution of the Board of Supervisors.

3. The Zoning Officer shall review the application and either issue a permit or provide written documentation as to deficiencies in the application. The Zoning Officer may refer the application to the Roadmaster and/or Township Engineer for review. The Roadmaster and/or Township Engineer may conduct a field inspection where deemed necessary.

(Ord. 2010-06, 7/1/2010, §2)

§3-603. Inspections.

1. The Township Engineer, or his designee, shall conduct a pre-construction inspection and post-construction (final) inspection with the property owner or the owner's authorized agent. Requests for inspections shall be made to the Township Engineer at least 48 hours (excluding weekends and holidays) prior to the date of the requested inspection.

2. Upon satisfactory completion of the work authorized by the permit, the Township Engineer or his designee shall sign the permit indicating approval of the driveway as constructed or improved.

(Ord. 2010-06, 7/1/2010, §3)

§3-604. Driveway Standards.

1. Any new driveway or driveway improvement shall be located and constructed in such a manner as to not: (A) impair drainage or normal maintenance within a road right-of-way; (B) alter the stability of a roadway, subgrade, or roadway embankment; (C) change the drainage of adjacent areas; or (D) interfere with the traveling public.

2. Repairs to a driveway, driveway entrance, drain, culvert, or swale shall be performed in such a manner that the repairs shall not change the original design or existing conditions unless a new design and specifications are submitted and approved by the Township.

3. A plan or description of proposed methods for controlling stormwater runoff, erosion, and sedimentation shall be submitted with each application for a permit. A driveway shall not be used as a means of conveying stormwater runoff away from the physical improvements on the property. Stormwater runoff shall be directed to stable, pervious areas whenever possible. Where required, an application for a driveway permit shall be accompanied by a New London Township erosion/sedimentation control permit.

4. Any finished surface of a driveway sloping toward a public road shall be shaped so that no stormwater runoff from the property shall discharge upon the public right-of-way. Discharge of roof drains or down spouts onto a driveway which slopes toward a street shall not be permitted. No drain pipe from any basement sump pump, foundation drain, disposal field, terrace, roof, or pavement shall be discharged onto the public right-of-way.

5. Driveways shall be graded to conform to the drainage swale adjacent to the cartway being accessed. At a minimum, the depth of the swale shall be 6 inches at a

distance of at least 4 feet from the edge of the cartway.

6. Pipes will be permitted only if, as determined by the Roadmaster or Township Engineer, a swale is not adequate. Any pipe under a driveway shall be sized on the basis of the 10-year storm event runoff, but shall not be less than 15 inches in diameter in any case.

7. Driveway entrances shall be located so as to provide safe access to the intersecting road. Minimum safe stopping sight distances shall be provided in accordance with the standards in Table 3-6-1, as attached hereto.

8. Standards for pavement width, radius, and grade shall be as follows:

	Min. Paved Width per Lane (ft.)	Min. Radius at Curb (ft.)	Max. Grade (%)
Single-family Dwelling	10	5	12
Multi-family Dwelling	12	10	8
Commercial and Industrial	12	15	5

9. No more than one driveway connection to public or private roads shall be permitted for any residential lot.

10. No more than two driveway connections to public or private roads shall be permitted for any nonresidential lot. Driveway connections to such roads shall be clearly delineated by physical features; such features shall not be located within any Township or State road right-of-way unless approved by the Township Engineer.

11. Driveways shall intersect roads as close to 90 degrees as possible; in no case shall intersections be less than 60 degrees or more than 120 degrees.

12. Driveways shall be constructed in accordance with the following specifications:

A. Prepare and compact subgrade.

B. Place a minimum 6 inches (compacted depth) of modified 3A aggregate stone.

C. On those portions of the driveway within any road right-of-way and extending not less than 20 feet into the property beyond the right-of-way, and on any area of slope exceeding 8% that is within 100 feet of the intersecting road surface, the driveway surface shall be paved with a minimum 1.5 inches bituminous wearing surface.

13. Every new driveway that accesses a street with a roadway classification higher than local, as designated in the New London Township Comprehensive Plan, shall provide for a safe turnaround area outside the street right-of-way. Driveways accessing local streets are not required to have a turnaround area outside the street right-of-way.

14. All access ways from lots to a public street shall locate a minimum distance from an intersection, based on the classification of a road as defined by the New London Township Comprehensive Plan:

- A. Local intersecting local–50 feet.
- B. Local intersecting collector–75 feet.
- C. Local intersecting arterial–100 feet.

This requirement shall not apply to lots created under terms of the Traditional Neighborhood Development provisions of the New London Township Zoning Ordinance [Chapter 1]. On such lots, however, every effort should be made to create driveway access from an alley to the rear of the lot, and to maximize separation of any driveway from street intersections.

15. All residential driveways accessing streets that do not have curbing shall be designed with a paved apron to provide a pull-off area for accessing mailboxes. The design of the driveway apron shall be in conformance with Appendix A¹ of this Part.

16. In the preparation of any land development or subdivision plan, evidence shall be submitted documenting that the requirements set forth in this Part can be met for each proposed building lot. A note shall be placed on the plan prior to recording, establishing that each individual lot owner will be responsible for obtaining a driveway permit as required by this Part.

17. *Common Driveways.*

A. Common driveways, as defined by Chapter 4, Part 1, are encouraged as a means of minimizing new points of access to the Township road system. In particular, a frontage lot and an interior lot to its rear should utilize a common driveway wherever feasible.

B. A common driveway shall be of sufficient width, in the opinion of the Township Engineer, to provide safe passage of two vehicles or shall have a sufficient number of pullover areas to provide safe passage of two vehicles. Stipulations for the repair and maintenance of a common driveway shall be set forth on the plan proposing creation of the driveway and shall be recorded as deed restrictions binding on all successors or assigns.

(*Ord. 2010-06, 7/1/2010, §4*)

§3-605. Correction of Improper Work.

In the event that any person shall construct a driveway that does not conform to the requirements of this Part, the Township may order such person to remove the improper work and replace it in compliance with this Part. Notice to remove and replace such improper work shall be given by certified mail, and shall state that compliance shall be made within 30 days of receipt of such notice.

(*Ord. 2010-06, 7/1/2010, §5*)

§3-606. Violations and Penalties.

1. Any violation of this Part shall be enforced as a summary offense by an action

¹Editor's Note: Appendix A is on file in the Township office.

before a District Magistrate. Any person violating the provisions of this Part shall be subject to a fine of not more than \$1,000 for each violation, recoverable with attorney fees and costs. Each day a violation occurs shall be a separate offense.

2. The Township, through its Solicitor, may institute injunctive, mandamus or other appropriate action or proceeding at law or in equity for the enforcement of this Part. A court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 2010-06, 7/1/2010, §6)

§3-607. Relief from Unnecessary Hardship.

1. Where administration of this Part is in conjunction with an application for subdivision or land development approval, any request by the applicant to modify its terms shall be made and acted upon in accordance with the terms of §2-801 of the New London Township Subdivision and Land Development Ordinance [Chapter 2].

2. Where this Part is applied to an activity unrelated to a subdivision or land development application, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this Part if the literal enforcement is found by the Board to be infeasible or to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Part is observed.

3. Any request for a modification shall be in writing and shall accompany and be a part of the permit application. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Part involved, and the minimum modification necessary.

4. The Board may refer the request for modification to the Township Planning Commission for advisory comments.

5. In granting modifications, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

(Ord. 2010-06, 7/1/2010, §7)

Table 3-6-1

Required Sight Distance (FT)

Street Grade (%)	0	1	2	3	4	5	5	7	8	9	10	11	12	13
	0	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13
10	76	74	73	73	73	73	72	72	71	71	71	70	70	70
	76	76	76	77	77	78	79	79	80	81	82	83	84	85
20	109	108	107	106	105	105	104	103	120	102	101	101	100	100
	109	110	111	112	113	114	115	117	118	119	121	123	125	127
25	147	145	144	143	142	140	139	138	137	136	135	134	134	133
	147	148	150	161	153	155	157	159	161	164	166	169	172	175
30	196	194	191	189	187	185	183	182	180	178	177	175	174	173
	196	196	201	204	207	210	214	217	221	226	230	235	241	247
35	249	245	242	238	236	233	231	226	226	224	221	219	217	215
	249	252	256	260	265	269	274	280	288	292	299	306	314	323
40	314	309	309	299	296	291	287	284	280	277	274	271	263	260
	314	319	325	331	337	345	352	360	369	379	389	401	414	425
45	383	370	370	384	358	353	348	343	338	334	330	326	322	319
	383	390	398	406	415	425	435	447	459	472	487	503	521	540
50	462	453	444	436	429	421	415	409	403	397	392	388	382	375
	462	471	481	492	504	517	531	547	563	581	600	622	647	674
55	538	527	517	508	494	490	422	475	467	461	454	448	442	437
	538	550	562	576	590	605	622	641	660	662	706	733	762	795
60	621	605	596	584	573	563	554	545	538	528	521	513	506	500
	621	634	649	666	682	701	721	742	766	792	821	852	887	926

Part 7**Public Gathering****§3-701. Title.**

This Part shall be known as the “New London Township Public Gathering Ordinance.”

(Ord. 2014-5, 6/5/2014, §1)

§3-702. Definitions.

Person in Charge of Property - any person or entity, other than the property owner, occupying or controlling property in New London Township.

Property Owner - any person or entity having legal title in fee of the lot.

Public Gathering - any planned, arranged gathering or assembly of persons, for commercial purposes or otherwise, whether on private or public property, where it is reasonably anticipated that more than 250 persons will attend for a continuous period of not less than two hours. A public gathering may include, but shall not be limited to:

- A. Musical productions, participatory events, or shows.
- B. Outdoor theater; historical reenactments.
- C. Arts and crafts shows and/or sales.
- D. Animal races or shows, including equine shows and competitions.
- E. Carnivals or amusements.
- F. Motor vehicle shows.
- G. Religious assembly, festival, and the like that is conducted outside a building and has projected attendance that will exceed the permitted seating capacity of the building.
- H. Political rally, debate, and the like.
- I. Special event assemblage at children's camp, sports training facility, or similar operation.

A public gathering shall not include:

- A. Any gathering under control of any public school under the auspices of the Pennsylvania Department of Public Education.
- B. Any gathering or event sponsored or sanctioned by any other duly authorized governmental entity.
- C. Any event sponsored and conducted by the West Grove Fire and Ambulance Company.
- D. Any private family event, including, but not limited to, a family reunion or wedding, held on private property.

Sponsor - any person or entity who organizes, promotes, permits, or conducts a public gathering.

Township - as used in this Part, the New London Township Board of Supervisors

or its agent or agents.

Violation - a violation of this Part occurs when any element of the requirements contained herein is not complied with in a timely manner. Any individual or entity holding a public gathering as defined in this Part without having fully complied with each element of this Part is in violation of the Part. The date of violation is determined to be the date of the failure of the applicant to submit the application form or complete any of the other requirements within the time limits required by the ordinance. Thus a violation begins not on the date of the event but on the date the applicant failed to comply with the application procedures contained herein.

(Ord. 2014-5, 6/5/2014, §2)

§3-703. Prohibited Activity.

It shall be unlawful for any person in charge, sponsor, or legal title owner of property to organize, promote, advertise, permit, or conduct a public gathering without complying with the terms of this Part that are applicable to such public gathering.

(Ord. 2014-5, 6/5/2014, §3)

§3-704. Applicability of this Part.

1. A public gathering shall comply fully with the terms of this Part.

A. Such event shall constitute an activity distinct from the normal principal use of the property, and shall exceed the customary scale of activity for which the building or property was designed.

B. The anticipated number of attendees shall be 250 or more during a 2-hour period.

C. Regarding potential off-site impacts, the event sponsor must demonstrate on-site capacity for parking, traffic control, and sewage, among other factors, or shall demonstrate how these factors will otherwise be adequately handled.

2. Where such an event is planned, the property owner, sponsor or person in charge of the property shall submit the application form and the application fee not less than 60 days in advance of the date of the event. All other operative information required by the application including all other escrow deposits must be in the hands of Township representatives not less than 30 days in advance of the date of the event.

(Ord. 2014-5, 6/5/2014, §4)

§3-705. Permit Requirements.

1. No permit shall be granted for a special event of more than 48 hours duration unless the applicant specifically requests, and the permit specifically allows, an extension of that period.

2. No applicant shall be under 21 years of age.

3. No permit may be transferred or assigned.

4. In the event of a disagreement between the applicant and the Township as to the number of persons reasonably anticipated to attend a proposed special event, the number of persons shall be determined by the Board of Supervisors of New London Township at its discretion, as determined by such information as is reasonably

available.

5. New London Township by and through its electors has determined not to permit the granting of liquor licenses within the Township. Any entity wishing to sponsor or hold a public gathering as defined herein in the form of a tasting event must comply with the requirements of the Pennsylvania Liquor Code at 40 Pa.Code §13.201 *et seq.*, and provide proof of such compliance before any permit for any such event will be issued.

(*Ord. 2014-5, 6/5/2014, §5*)

§3-706. Application Requirements.

1. Applications shall be made on a form provided by New London Township and shall contain at least the following information:

- A. The full legal names, addresses and telephone numbers of all sponsors.
- B. The full legal name and address of the property owner, if different from the sponsor and, where applicable, the person in charge of the property to be utilized for the public gathering.
- C. The location and address of the property to be utilized for the public gathering.
- D. The program for the public gathering or, if no program is prepared, a narrative statement as to the purpose for which the public gathering is to be conducted.
- E. A diagram of the proposed site of the public gathering, indicating:
 - (1) Locations and dimensions of the area where the programmed entertainment, amusement, or recreation is to be conducted.
 - (2) Areas for spectators or attendees.
 - (3) All structures, both existing and to be constructed on a temporary basis for the event.
 - (4) Proposed parking area and service roads.
 - (5) Potable water facilities.
 - (6) Sanitary sewage facilities.
 - (7) Medical service facilities.
 - (8) Facilities for and distribution of security personnel.
 - (9) Facilities for food and beverage storage, preparation and service.
 - (10) Camping facilities, if applicable.
 - (11) Plans for enclosure of the site, if necessary.
- F. Evidence that all permits and licenses as required by State, county, and local ordinance, statute, rule, and regulation have been obtained or will be obtained not less than 15 days prior to the public gathering.
- G. A statement of the number of persons expected to attend the event and the duration of the event.
- H. Specific, detailed information relating to:

- (1) Food and beverage providers and facilities.
- (2) Sanitary and waste disposal providers and facilities.
- (3) Transportation and parking facilities.
- (4) Security providers and protection of surrounding areas, including the number of security personnel assisting in the control of traffic and supervision of those attending.
- (5) On site medical providers and facilities.
- (6) Janitorial services, post-gathering trash removal, and provision for site restoration.
- (7) Lighting and other utility services.

I. Certificates of insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing comprehensive general liability or special event public liability, in an amount of at least \$1,000,000 for personal injury and \$100,000 for property damage.

J. Examples of proposed advertising of the event, if any.

K. Applicant's statement of intent to abide by all applicable laws, ordinances, rules, and regulations of any governmental entity having jurisdiction.

2. Each application shall be accompanied by the following:

A. An application fee, the amount of which shall be established by resolution of the Board of Supervisors, to cover the Township's administrative costs of processing the permit application. No part of the application fee is refundable.

B. An application review escrow, the amount of which shall be established by resolution of the Board of Supervisors, to cover costs that may be incurred by the Township Zoning Officer, Engineer, Solicitor, and other consultants involving review, investigation, inspection, and recommendations on issuance of the permit. Any unexpended balance of the original escrow amount shall be refunded to the applicant. Additional funds may be required of the applicant where the original escrow amount proves insufficient to cover the Township's costs.

3. The Board of Supervisors or its agent shall act upon the permit application not less than 35 days prior to the date of the event.

(Ord. 2014-5, 6/5/2014, §6)

§3-707. Security Deposit.

1. As an additional condition to the issuance of the permit, the Township shall require the applicant to submit a bond, with a licensed commercial surety, or a cash escrow, as a security deposit in an amount as set forth below to save and protect the public streets, pavements, bridges, road signs, and all other public property from damage caused by persons sponsoring, working at, or attending the public gathering, or failure of the permit holders to perform their obligations under the permit, including but not limited to, clean-up and restoration of the premises where the public gathering was held.

2. The bond or cash escrow shall be in an amount not less than \$2,000. The Township may require a larger security deposit where the Township Engineer, upon review of the application, determines the potential risks posed by the public gathering

necessitate an increased security deposit amount.

(Ord. 2014-5, 6/5/2014, §7)

§3-708. Conditions of Approval.

1. Any permit approved by the Board of Supervisors and issued by its agent shall be expressly conditioned upon satisfaction and completion of the following conditions not less than 10 days prior to the day on which the public gathering is to commence. The Board, at its sole discretion, may modify or waive any of the requirements of this Section.

2. Failure to satisfy the following conditions, where applicable, within the time frame set forth above shall constitute grounds for the immediate revocation of the permit by the Township and the cancellation of the public gathering:

A. *Sanitary Facilities.* Written approval of the Pennsylvania Department of Environmental Protection, the Chester County Department of Health, or other entity having jurisdiction over applicant's plan for all sanitary and health facilities, including, but not limited to, potable water, sewage disposal, and food preparation, storage and service.

B. *Public Safety.*

(1) *Security.* Applicant must demonstrate that a plan, and means to implement the plan, exist to provide adequate traffic control and crowd control. The plan must include one licensed and qualified security person for every 50 motor vehicles reasonably anticipated to be at the location, and one licensed and qualified security person for each 100 persons reasonably anticipated to be in attendance. Identification of the security personnel or company must be provided.

(2) *Enclosures.* Applicant must demonstrate that a plan, and means to implement the plan, exist to have the location where the public gathering is to be held enclosed with snow fencing or other similar material of equivalent strength of not less than 4 feet in height, if admission is charged and attendance is reasonably expected to exceed 1,000 persons.

C. *Medical Services.* Applicant must demonstrate that a plan, and a means to implement the plan, exist to provide sufficient medical services to the public gathering. Each public gathering shall have a minimum of one ambulance staffed with two qualified persons trained in advanced first aid techniques in attendance at all times for every 500 persons anticipated. Identification of the company or person supplying the service must be provided.

D. *Parking Facilities.* Applicant must demonstrate that a plan, and a means to implement the plan, exist to provide adequate parking facilities appropriate to the anticipated number of persons attending. There must be adequate parking facilities to accommodate one vehicle for every four persons reasonably anticipated to be in attendance. Ingress and egress must be provided to and from the parking area to facilitate the movement of any vehicle and to permit access by emergency vehicles.

E. *Structures.* All facilities, including structures, stages, lighting facilities, sanitary facilities and other utilities to be specially assembled, constructed,

installed, or erected for the public gathering must be in place and be approved by appropriate State and Federal regulatory agencies, if their regulations apply, and by the Township or its duly appointed agent.

3. The applicant is encouraged to consult Special Events Contingency Planning: Job Aids Manual (Federal Emergency Management Agency, May 2010, as amended) for information and guidance regarding compliance with the terms of this Part.

(*Ord. 2014-5, 6/5/2014, §8*)

§3-709. Conduct of the Public Gathering.

1. The public gathering permittee must maintain the sanitary sewage facilities, parking facilities, security and traffic control personnel, medical service facilities, and any other facilities and conditions required under the terms of the permit in a safe and healthful manner.

2. Each sponsor and person in charge shall be appropriately represented at the public gathering and shall use their best efforts to cause the public gathering to be conducted in accordance with the provisions of this Part and other applicable laws, rules, and regulations.

3. Any material violation of any provision of this Part or the repeated violation of any provision of this Part shall be sufficient grounds for the revocation of any permit. Upon the revocation of any permit, the person in charge or sponsor shall immediately terminate the public gathering and cause the prompt and orderly dispersal of persons in attendance.

4. Duly authorized representatives of the Township and any law enforcement officials shall be granted access to the public gathering without charge for the purpose of inspection and enforcement of the terms and conditions of this Part.

5. No programmed entertainment, amusement, or recreation or use of sound amplification equipment shall be provided or permitted between the hours of 10 p.m. and 10 a.m, and shall not be operated in a location which is less than 500 feet from any school, place of worship, residential or institutional use, or public road.

6. At the conclusion of the program, the permittees shall terminate the assembly or gathering and supervise the orderly dispersal of those in attendance. Where it deems necessary, the Township shall authorize its agent to meet with the permittees at the site to confirm that all terms of the permit have been met, or to identify violations that must be remedied.

7. No person shall be permitted to remain overnight out of doors on the subject premises, except permanent residents and their guests, unless overnight camping or other facilities were approved by the Township, pursuant to the application process and this Part.

(*Ord. 2014-5, 6/5/2014, §9*)

§3-710. Penalties.

Any person or entity promoting, organizing, allowing or conducting a public gathering as defined herein without completing the specific requirements of this Part shall be subject to a civil enforcement proceeding before a district justice for violation of this Part. Civil enforcement proceedings shall be initiated by complaint or other

means. A violation of this Part shall be subject to a civil penalty in the amount of \$600. The violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, which shall begin on the date which is 60 days prior to the event if the violation includes a failure to make application, or which shall begin at whatever date the applicant failed to comply with all the provisions of this Part. The violator shall also be liable not only for the penalty but court costs and reasonable attorney's fees incurred by the Township in the enforcement proceeding.

(Ord. 2014-5, 6/5/2014, §10)

