

**WHITEMARSH TOWNSHIP
ORDINANCE NO. 855**

AN ORDINANCE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP
OF WHITEMARSH TO MANAGE THE PUBLIC RIGHTS-OF-WAY, TO REGULATE THE
ERECTION, CONSTRUCTION, RECONSTRUCTION, INSTALLATION, OPERATION,
MAINTENANCE, REPAIR AND REMOVAL OF TELECOMMUNICATIONS SYSTEMS
WITHIN THE PUBLIC RIGHTS-OF-WAY, AND TO PROVIDE FOR COMPENSATION TO
THE TOWNSHIP FOR OCCUPATION AND USE OF THE PUBLIC RIGHTS-OF-WAY.

WHEREAS, Whitemarsh Township is a home rule municipality governed by the Home Rule Charter and Optional Plans Law, 53 P.S. §§ 2901-3171 and the provisions of the Second Class Township Code, 53 P.S. § 65101 et seq. (the “Code”); and

WHEREAS, the Code authorizes the Township to enact ordinances for the purpose of protecting the public health, safety and welfare; and

WHEREAS, the Township has received a request by a new telecommunications service to use the public rights-of-way for the purpose of providing its service within the boundaries of the Township; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the Township to adopt an ordinance to manage the public rights-of-way in accordance with applicable law, to provide regulations for the erection, construction, reconstruction, installation, operation, maintenance, repair and removal of any telecommunications system in, upon, along, across, above, over, under or in any manner connected with the public rights-of-way within the Township, as may now or in the future exist, and to provide for compensation for the occupation and use of the public rights-of-way and for the cost of regulating the providers of such telecommunications services, consistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1: *Amendment of the Township Code.* **Part II** of the Code of the Township of Whitemarsh is hereby amended to amend **Chapter 103** to add **new Article IX, “Rights-of-Way”**, as follows:

§ 103-40. Short title.

This chapter shall be known as and may be cited as the “Whitemarsh Township Right-of-Way Ordinance.”

§ 103-41. Purpose.

This chapter is established for the following purposes:

- A. To assist the Township in managing its Public Rights-of-Way, with respect to Telecommunications Services providers in accordance with applicable law;
- B. To regulate the erection, construction, reconstruction, installation, operation, maintenance, repair and removal of a Telecommunications System in, upon, along, across, above, over, under or in any manner connected with the Public Rights-of-Way of the Township, as now or in the future may exist; and
- C. To provide the Township with appropriate compensation for occupation and use of the Township's Public Rights-of-Way for a Telecommunications System and for the cost of regulating providers of Telecommunications Services consistent with this Ordinance and applicable law.

§ 103-42. Singular Point of Contact.

- A. The Township Manager, or his designated representative, shall serve as the single point of contact within the Township for all Persons regulated under this chapter.
- B. The Township Manager shall coordinate all contacts with other Township departments as necessary to facilitate issuance of any and all permits required by the Code of the Township of Whitemarsh.
- C. The Township Manager shall coordinate the preparation of all policies and forms as necessary for the implementation of this Ordinance with the approval of the Township Board of Supervisors.

§ 103-43. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- (1) "Applicant" means the Person who has applied for a Right-of-Way Permit or a Construction Permit.
- (2) "Application" means the form prescribed by the Township, which the Applicant must complete in order to obtain a Right-of-Way or Construction Permit.
- (3) "Construction" means the building, erection, or installation in, on, over or under a Right-of-Way. It does not include maintenance or repair of existing aerial cables or equipment in a Right-of-Way or a single line extension from equipment in the Right-of-Way.
- (4) "Construction Permit" means the written authorization granted by the Township to an Applicant in order to perform construction in a Right-of-Way.

- (5) “Emergency” means a condition that poses a clear and immediate danger to life or health, or significant loss of property.
- (6) “Equipment” means any tangible property located or proposed to be located in a Right-of-Way, including, but not be limited to, wires, lines, cables, conduits, pipes, supporting structures or other facilities.
- (7) “Maintenance” means work of a minor nature that will keep an existing condition from failure or decline.
- (8) “Permit Holder” means the Person who has obtained a Right-of-Way Permit.
- (9) “Person” means any individual, firm, partnership, association, corporation, company or other business entity.
- (10) ”Right-of-Way” or “Public Right-of-Way” means the surface and space in, on and above any real property in which the Township has an interest in law or in equity, including, but not limited to, any public street, boulevard, avenue, road, highway, easement, freeway, alley, court or any other place, other than real property owned in fee by the Township.
- (11) “Restore” or “restoration” means the process by which a Right-of-Way is returned to a state that is as good or better as its condition before construction.
- (12) “Right-of-Way Permit” or “Permit” means a written authorization granted by the Township to an Applicant for use of the Rights-of-Way in the Township for wires, lines, cables, conduits, pipes, supporting structures and other facilities.
- (13) “Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in form or content of the information sent and received.
- (14) “Telecommunications Services” means the offering of telecommunications for a fee directly to the public, or to users who will make telecommunications available directly to the public, regardless of the facilities used.
- (15) “Telecommunications System” means a system that offers Telecommunication Services.
- (16) “Underground equipment” means all equipment that is located wholly or partially underneath a Right-of-Way.

§ 103-44 Requirement for a Right-of-Way Permit

A. No Person shall enter upon or occupy any Right-of-Way for the purpose of installing, constructing, maintaining or operating a Telecommunications System without first having obtained a Right-of-Way Permit. Any person maintaining or operating a Telecommunications System as of the Effective Date of this Ordinance shall also obtain a Right-of-Way Permit.

B. Before a Right-of-Way Permit is issued, the holder of or Applicant for a Right-of-Way Permit shall have applied for any and all regulatory approvals, permits or authorizations from the appropriate federal and state authorities. Upon the request of the Township, the Applicant shall submit written evidence of its applications for or receipt of all such approvals, permits or authorizations.

C. Nothing in this Ordinance shall be construed as a waiver of any other ordinances or regulations of the Township or the Township's right to require prospective or current Right-of-Way Permit Holders to secure and remit payment for any and all other required permits or authorizations.

§ 103-45. Application for a Right-of-Way Permit

A. A Right-of-Way Permit shall only be granted after an Applicant has completed an Application in the form that has been prescribed by the Township, which form may be revised from time to time. Upon request, an Applicant shall be provided with a copy of the then current Application for a Right-of-Way Permit. The Application shall request information regarding the Applicant's proposed or actual physical use and occupation of the Rights-of-Way. The Applicant shall provide specific information regarding the equipment it proposes to place or currently maintains in the Rights-of-Way. If the completed Application does not fully provide such requested information, the Township may request such additional information as is necessary to enable it to make a determination regarding the physical use and occupation of the Rights-of-Way by the Applicant. The Application may request less information from a Permit Holder applying for a renewal of a Right-of-Way Permit.

B. Upon submission of a fully completed Application to the Township and the accompanying fee, the Township shall review the Application as follows. The Township shall grant or deny such Applications within sixty (60) days of its receipt. If the Township denies the Application, it shall provide a written response to the Applicant explaining the basis for denial. If the Township fails to grant or reject such Application within the time period specified above, the Application shall be deemed approved. In each case, the Township shall review the Application to determine whether such use would have a detrimental effect on public safety as it relates to the Rights-of-Way or would place an undue physical burden on the Rights-of-Way.

C. In considering an Application, the Township may use such outside experts as it deems necessary to assist in determining whether the use proposed by the Applicant would have a detrimental effect on the Right-of-Way or the health, safety and/or welfare of the residents of the Township. In the event the Township deems it necessary to employ an outside expert or experts to advise the Township with respect to a particular Application, the reasonable costs of such expert or experts shall be borne by the Applicant.

§ 103-46. Duration and Suspension of Right-of-Way Permit

A. The Right-of-Way Permit shall be issued for a period of one year. Permit Holders shall apply for a renewal of a Right-of-Way Permit at least sixty (60) days prior to its expiration. The Township may suspend such Right-of-Way Permit in the event any one or more of the following has occurred:

1. The Permit Holder shall have caused damage to Township property or the Right-of-Way without the prior consent of the Township (except in the case of an Emergency) and without completing proper Restoration;
2. The Permit Holder or the Permit Holder's equipment in the Right-of-Way has had a detrimental effect on public safety as it relates to the Permit Holder's use of the Rights-of-Way.
3. The Permit Holder failed to pay any of the fees required under this Ordinance;
4. The Permit Holder failed to comply with construction standards in accordance with the provisions contained in Section 104-11 of this Chapter.
5. The Permit Holder failed to indemnify, hold harmless and insure the Township in accordance with the provisions contained in Section 104-12 of this Chapter.
6. The Permit Holder failed to procure and/or maintain a performance or construction bond for the benefit of the Township in accordance with the provisions contained in Section 104-15 of this Chapter.
7. The Permit Holder provided false, incomplete or misleading information on the Right-of-Way or Construction Permit Application.

B. If the Township has reason to believe that one or more of the above events has occurred, it shall notify the Permit Holder in writing. The Permit Holder shall have thirty (30) days to cure the violation, unless the Township reasonably determines that the event is an Emergency, in which case the Township may impose a shorter time period to cure the violation.

C. If the Permit Holder fails to cure the violation within the specified time period, the Township may immediately suspend the Right-of-Way Permit. A suspension shall be brought to the attention of the Board of Supervisors at its next meeting at which time the Board of Supervisors shall be permitted to uphold or withdraw the suspension. The Permit Holder shall be provided an opportunity to be heard at such meeting.

§ 103-47. Requirement for a Construction Permit

A. Except in the case of an Emergency, before commencing any Construction in the Rights-of-Way, a Person shall apply for and obtain a Construction Permit. A Construction Permit shall only be granted after an Applicant has completed an Application in the form that has been prescribed by the Township, which form may be revised from time to time. Upon request, an Applicant shall be provided with a copy of the current Application for a Construction Permit. Such Application shall request detailed plans of the proposed Construction activity. Such plans shall describe: (1) the type of Construction activity; (2) the equipment proposed to be installed

or erected; (3) the specific locations of the Construction activity; and (4) the scheduled beginning and ending dates of all planned Construction.

B. Upon submission of all such information required in Section 104-8.A. above, the Township shall review such information and either grant or deny a Construction Permit within sixty (60) days. If the Township denies the Construction Permit application, the Township will provide a written response to the Applicant explaining the basis of the denial. If the Township fails to grant or deny the Construction Permit within the time period specified above, the Application shall be deemed granted. In each case, the Township shall review the Application to determine whether such Construction would have a detrimental impact on public safety as it relates to the Rights-of-Way. The Township may impose conditions on the Construction Permit regulating the times, locations, and manner of Construction to preserve effective traffic flow, prevent hazardous road conditions and/or minimize noise impacts.

§ 103-48. Fees and Expenses

A. Each new Applicant for a Right-of-Way Permit shall include with its Application an application fee in the amount of Seven Hundred Fifty Dollars (\$750.00). This fee is directly related to the Township's costs in reviewing the Application (excluding expert costs) and managing the Rights-of-Way with respect to each Permit Holder. Such costs in managing the Rights-of-Way include, but are not limited to: (1) costs of maintaining the Rights-of-Way; (2) costs of degradation of streets and Right-of-Way property; (3) administrative costs related to the Rights-of-Way; (4) traffic control costs pertaining to work in the Rights-of-Way; and (5) inspection costs. This fee will not be refunded in the event the Application is denied. If the Application is granted, the Application fee will apply to the full term of the Right-of-Way Permit of one year.

B. Each existing Permit Holder applying for a renewal of its Right-of-Way Permit shall include with its Application an annual fee in the amount of Five Hundred Dollars (\$500.00). This fee is directly related to the Township's costs in managing the Rights-of-Way with respect to each Permit Holder. Such costs include, but are not limited to: (1) costs of maintaining the Rights-of-Way; (2) costs of degradation of streets and Right-of-Way property; (3) administrative costs related to the Rights-of-Way; (4) traffic control costs related to work in the Rights-of-Way; and (5) inspection costs. This fee will not be refunded in the event the Application is denied. If the Application is granted, the Application fee will apply to the full term of the Right-of-Way permit of one year.

C. Each Applicant for a Construction Permit shall include with its Application an application fee in the amount of Three Hundred Dollars (\$300.00). This fee is directly related to the Township's costs in reviewing the application and determining time, place and manner restrictions on the Construction activity. If the Application for a Construction Permit is denied, this fee shall not be refunded. If the Application is granted, then the Applicant shall also pay, within thirty (30) days of the presentation of a statement, the Township's actual costs directly related to the Applicant's Construction activity based on the hourly rate established by Resolution of the Board of Supervisors. Such actual costs include, but are not limited to, costs of disruption and rerouting of traffic, inspection costs and administrative costs.

D. Extraordinary Expenses. In addition to the fees set forth above, a Permit Holder shall pay, within thirty (30) days of the presentation of a statement, any extraordinary or unusual expenses reasonably incurred by the Township as a result of the Permit Holder's use of the Rights-of-Way, provided that the Township notifies the Permit Holder of the expected expenses prior to their being incurred and provides the Permit Holder with an opportunity to mitigate such expenses. Examples of extraordinary or unusual expenses include, but are not limited to, the cost of obtaining and operating a backhoe, dump truck or other heavy equipment used to repair the Right-of-Way, overtime or special pay for public safety personnel and/or the cost of hazardous waste cleanup or other emergency services. The statement of such expenses presented to the Permit Holder shall be directly related to the Township's actual costs.

E. In the event that payment of any of the fees identified above is not made upon submission of the Application or by the date due, the Applicant or Permit Holder shall pay a late payment penalty of interest at two percent (2%) per month of the total amount past due. Such penalty shall be in lieu of any other monetary penalty. Acceptance of payment under this Section shall not in any way limit or waive the Township's right to suspend or terminate the Permit according to the terms of this Ordinance.

§ 103-49. Management of the Rights-of-Way

A. The Township shall have the right to limit the placement of new or additional equipment in the Right-of-Way if there is insufficient space to reasonably accommodate all requests to occupy and use the Rights-of-Way. The Township shall consider requests for occupying and using the Rights-of-Way in the order of receipt of fully completed Applications for Right-of-Way Permits. The Township shall strive, to the extent possible, to accommodate all requests, but shall be guided by the physical condition of the Right-of-Way and whether such use would have a detrimental effect on public safety as it relates to the Right-of-Way.

B. The Township shall have the right to monitor the Telecommunications Systems and the equipment related thereto located in the Rights-of-Way in order to prevent interference between and among such Telecommunications Systems and equipment.

C. A Permit Holder shall allow the Township to make inspections of any part of the Permit Holder's Telecommunications System located in the Rights-of-Way at any time upon three (3) days notice, or, in case of an Emergency, upon demand.

§ 103-50. Construction Standards

A. Whenever a Permit Holder or any of its subcontractors shall disturb any pavement, sidewalk or other public property in order to perform any underground activities, the Permit Holder will fully comply by registering with Pennsylvania's "One Call" system pursuant to 73 P.S. §176 *et seq.* Such Permit Holder shall provide Township with information showing planned locations and reference points for equipment to be installed. Each Permit Holder shall perform Construction activity in a manner consistent and in compliance with the detailed plans it

submitted to the Township pursuant to Section 104-8 of this Chapter and all applicable federal, state and local laws and regulations.

B. Whenever a Permit Holder or any of its subcontractors shall cause damage to the Right-of-Way or to Township property in the Right-of-Way, the Permit Holder shall restore such Right-of-Way or property within thirty (30) days, weather permitting, of the occurrence of the damage. In the event that the Permit Holder fails to restore the Right-of-Way or Township property to its former condition, the Township may repair such damage and assess all such costs of such repair to the Permit Holder.

C. The Telecommunications System shall not endanger or interfere with the safety of persons or property within the Township. All operating, maintenance, construction and repair personnel shall be thoroughly trained in the safe use of all equipment and in the safe operation of vehicles. Such personnel shall follow all safety procedures required by applicable federal, state and local laws and regulations. The Permit Holder shall routinely inspect and maintain all areas of the Telecommunications System so that conditions that could develop into safety hazards shall be corrected before they become a hazard.

D. Except in the case of an Emergency, at least three (3) days prior to the commencement of any Construction activity, Permit Holder shall notify nearby residents of such Construction activity in a manner that is satisfactory to the Township. The name of the Permit Holder shall be clearly disclosed to such residents.

E. All Construction activity shall be performed in an orderly and workmanlike manner, and in close coordination with public utilities serving the Township following accepted industry construction procedures and practices.

F. All wires, cables and other equipment shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundles with due respect for engineering considerations.

G. All wires, cables and other equipment shall be installed underground where required by Township ordinance or regulation consistent with the same requirement being imposed on all other similarly situated companies, including all public utilities.

§103-51. Indemnification and Insurance

A. A Permit Holder shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death and property damage arising out of the Permit Holder's use or occupancy of the Rights-of-Way. A Permit Holder shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the Permit Holder's use or occupancy of the Rights-of-Way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

B. A Permit Holder shall, at all times during the life of a Permit, carry itself and require all of its subcontractors to carry liability, property damage, worker's disability, and vehicle insurance issued to the Permit Holder by an insurance company licensed to do business in the Commonwealth of Pennsylvania in an amount and form acceptable to the Township as set forth in the Permit. A Permit Holder shall name the Township as an additional insured on its liability insurance policies for whom defense will be provided as to all such coverages. All required insurance coverage shall provide for thirty (30) days' written notice to the Township in the event of material alteration or cancellation of such coverage prior to the effective date of such material alteration or cancellation. A Permit Holder shall provide appropriate insurance certificates to the Township within thirty (30) days after the execution of a Permit and annually with an application for a Renewal Permit. Any certificate of insurance presented to the Township shall verify that the Applicant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the Applicant's use and occupancy of the Rights-of-Way.

C. In lieu of the certificate of insurance required under Section 104-12.B, above, proof of self-insuring status that demonstrates adequate financial resources to defend and cover any and all potential claims will be acceptable to the Township.

§ 103-52. Reporting Requirements.

A. A Permit Holder shall annually provide the Township, upon Application for renewal of the Permit, or upon request, a current map of the locations of its existing equipment and facilities and a summary of all additions and deletions of equipment and facilities in the Rights-of-Way, unless no changes have occurred in the previous year. If no changes have occurred in the previous year, Permit Holder shall so inform the Township in writing.

B. A Permit Holder shall submit to the Township such reasonable information directly related to the Permit Holder's use and occupation of the Rights-of-Way as the Township may request. All information provided to the Township shall be maintained by the Township as proprietary and confidential if such information is designated in good faith as such prior to the time it is provided to the Township.

§ 103-53. Sale or Transfer of Rights of Permit Holder

A Right-of-Way Permit may be transferred or assigned provided that the transferee/assignee agrees in writing, prior to the transfer or assignment, to comply with all of the obligations and requirements contained in this Ordinance. The transferee/assignee shall notify the Township in writing at least thirty (30) days prior to the transfer or assignment.

§ 103-54. Performance Bond

A. All Persons submitting a request for a Construction Permit to construct or maintain a Telecommunications System in accordance herewith shall file with their request a bond solely for the protection of the Township with a surety company or trust company as surety in an amount determined by the Board of Supervisors. The bond shall ensure the Permit Holder's

faithful performance of its obligations contained in this Ordinance. The bond shall be a continuing obligation during the entire term of any Right-of-Way Permit or Construction Permit issued in accordance herewith.

B. None of the provisions of this Section 104-15, nor any bond accepted by the Township pursuant hereto, nor any damages recovered by the Township thereunder shall be construed to excuse the faithful performance by or limit the liability of the Permit Holder under this Ordinance or any Permit issued in accordance herewith or for damages either to the full amount of the bond or otherwise.

§ 103-55. Termination

A. In addition to all other rights and powers reserved by the Township, the Township reserves the right to terminate a Permit and all rights and privileges of a Permit Holder for any of the following reasons:

1. A Permit Holder fails, after thirty (30) days prior written notice, to comply with any of the material provisions of the Permit or this Ordinance;
2. A Permit Holder attempts to or does practice any fraud or deceit in its conduct or relations with the Township pursuant to the Permit;
3. The Township condemns all of the property of a Permit Holder within the Township by the lawful exercise of eminent domain;
4. The Permit Holder abandons the Telecommunication System.

B. No termination shall be effective unless and until the Board of Supervisors shall have adopted a Resolution setting forth the cause and reason for the termination and the effective date, which Resolution shall not be adopted without thirty (30) days prior notice to Permit Holder and an opportunity for the Permit Holder to be heard and to present evidence before the Board of Supervisors on the proposed Resolution.

§ 103-56. Removal

A. Upon expiration or termination of the Permit, if the Permit is not renewed, the Permit Holder shall, upon sixty (60) days prior written notice to the Permit Holder, commence to remove its equipment from the Rights-of-Way and shall Restore said areas. If such removal is not completed within six (6) months of such notice, the Township may deem any property not removed as abandoned and the Township may remove it at the former Permit Holder's expense. In the event that the Permit Holder installed and/or operated any underground conduit or pipe which is six inches (6") or more in diameter, Permit Holder shall fill said conduit or pipe with material in a manner satisfactory to Township.

B. During the term of the Permit, if the Permit Holder decides to abandon or no longer use all or part of its Telecommunications System, it shall provide the Township with written notice of its abandonment at least thirty (30) days prior to such decision, which notice shall describe the equipment and its location.

C. Township may request Permit Holder to declare Permit Holder's intention as to abandonment to all or part of the Telecommunication System during the term of the Permit. Permit Holder shall respond to such request within sixty (60) days or such portions of the Telecommunications System shall be deemed abandoned.

D. Township shall have the right to require the Permit Holder to commence to remove the abandoned Telecommunications System in part or in total upon sixty (60) days prior written notice to the Permit Holder. If such removal is not completed within six (6) months of such notice, Township may remove it at the Permit Holder's expense.

§ 103-57. Penalty

If the Township has reason to believe that the Permit Holder has violated any of the terms of this Ordinance, it shall notify the Permit Holder in writing of the nature of the violation and the section of this Ordinance that it believes has been violated. Except in the case of an Emergency, the Permit Holder shall have thirty (30) business days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure. If the violation has not been cured within the time period allowed, it shall be subsequently punishable by a fine of up to Six Hundred Dollars (\$600.00) per day until the violation is cured. Such fine shall be collected by civil suit brought in the name of the Township before any District Justice having jurisdiction in the Township and shall be paid over to the Township Treasury, in accordance with Chapter 51 of the Code of Whitemarsh Township. In the case of an Emergency which is discovered by the Township or reported to the Township, the Township shall notify the Permit Holder via the Permit Holder's emergency telephone number. In the event that the Permit Holder does not repair the Emergency within six (6) hours, the Township may repair the Emergency at the Permit Holder's expense. Notwithstanding the foregoing, no provision hereof shall prohibit the Township from exercising its right to enforce this Ordinance through an action in equity in the Court of Common Pleas of Montgomery County, in accordance with the Second Class Township Code, 53 P.S. 65101 *et seq.*

§ 103-58. Police Powers

The Township, by granting any Permit under this Ordinance, does not waive, lessen, impair or surrender the lawful police powers vested in the Township under applicable federal, state and local laws pertaining to the regulation or use of the Rights-of-Way.

§ 103-59. Equal Application

The provisions of this Ordinance shall be imposed upon and enforced against all Persons requiring a Permit for the provision of Telecommunications Services or Construction of a Telecommunications System within the Township.

SECTION 2: Interpretation. The words, phrases and provisions of this Ordinance are not to be interpreted in a way that results in an absurd construction of the meaning, or in a way that cause one provision to contradict another.

SECTION 3: Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out the purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SECTION 4: Repealer and Interpretation. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, except that this Ordinance shall be construed as a supplement to the existing Whitemarsh Township Code.

SECTION 5: Severability. The provisions of this Ordinance are severable, and if any portion thereof is held to be invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Whitemarsh that this Ordinance would have been adopted if the invalid portion had not been included herein.

SECTION 6: Effective Date. This Ordinance shall become effective at the earliest possible date permitted by the provisions of the Whitemarsh Township Home Rule Charter.

ENACTED AND ORDAINED by the Board of Supervisors of Whitemarsh Township, Montgomery County, Commonwealth of Pennsylvania, on the 24th day of July, 2008.

WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Leslie S. Richards, Chair

Secretary