

ORDINANCE NO. _____
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE SUPERVISORS OF THE TOWNSHIP OF
UPPER MERION TO AMEND THE TOWNSHIP'S ZONING
ORDINANCE AND SUBDIVISION OF LAND ORDINANCE IN ORDER
TO PERMIT THE ESTABLISHMENT OF A TOWNSHIP WIDE
COMMUNICATION PLATFORM**

WHEREAS, the Board of Supervisors, pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101, *et seq.*, has heretofore enacted a Zoning Ordinance, codified at Chapter 165, and a Subdivision of Land Ordinance, codified at Chapter 145, of the Code of Ordinances of the Township of Upper Merion (“Township”); and

WHEREAS, the Board of Supervisors have met the procedural requirements of the MPC and the Pennsylvania Second Class Township Code, 53 P.S. §65101, *et seq.*, for the adoption of this proposed Ordinance, including advertising and holding a public hearing; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make, amend, and adopt Ordinances that are consistent with the Constitution and Laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article III of the MPC, the Board of Supervisors has heretofore adopted a comprehensive plan, to wit, that certain Land Use Plan adopted October 6, 2005 (the “Comprehensive Plan”); and

WHEREAS, Upper Merion Township is a world-class destination for shopping, dining, tourism, and recreation experiences as well business and commercial activities, drawing tens of millions of visitors annually; and

WHEREAS, the Board of Supervisors has determined that it is in the interest of the health, safety, and welfare of the public to effectively communicate visual messages to motorists within the Township both in emergency and non-emergency contexts; and

WHEREAS, the Board of Supervisors has determined that it is both expedient and advisable to permit and encourage the development of a Township-wide communications platform in partnership with private industry engaged in the development of outdoor advertising; and

WHEREAS, the Board of Supervisors recognizes a distinction between traditional outdoor advertising designs and practices (generally referred to as “billboards”) and a more-recently developed type of outdoor advertising installation (“Monument Display”) which incorporates aesthetic elements and

integration of electronic visual communication technology into other public improvements, and which offer the Township the opportunity to communicate content via the said visual communication technology; and

WHEREAS, the Board of Supervisors finds that the deleterious effects of traditional billboards upon nearby residential uses are effectively mitigated and countervailed by the technological improvements, aesthetic focus, and public benefit of both the improvements associated with Monument Displays as well as the public use of the Monument Displays to convey public content in both emergency and non-emergency contexts; and

WHEREAS, the appropriate environment for effective Monument Display uses are at centralized or gateway locations which are remote from one another along the same roadway and direction of travel; and

WHEREAS, certain lands within the Township are appropriate locations for Monument Displays given their proximity to major roadways, remoteness and/or screening from residential uses, and the opportunity for integration with public facilities; and

WHEREAS, the Board of Supervisors, in the Comprehensive Plan, has adopted a policy to improve the appearance, function, and impact of the Route 202 commercial corridor by, *inter alia*, providing central features such as plazas or fountains and through the incorporation of landscaping; and

WHEREAS, some of the aforesaid appropriate locations for Monument Displays are located within an existing, built, and developed environment and surrounded by existing commercial enterprises, the Board of Supervisors finds that the construction and operation of Monument Displays within the General Commercial zoning district are appropriate when such construction and operation are conducted as the sole use of the parcel upon which such Monument Display is located; and

WHEREAS, the Board of Supervisors finds that the construction and operation of Monument Displays within the Community Commercial district are appropriate as an additional principal use of such parcel(s) because the Community Commercial district is intended primarily to permit commercial uses upon lands which have heretofore been undeveloped or underdeveloped; and

WHEREAS, the Board of Supervisors finds that, in order to preserve and foster pedestrian safety and walkability within the existing, well-developed General Commercial zoning district, adequate spacing must be maintained between Monument Displays and at-grade pedestrian crosswalks over the roadways to which such Monument Displays are oriented;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION 1. SIGNS ARTICLE AMENDMENTS. CHAPTER 165, ARTICLE XXVII (SIGNS), OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MERION IS HEREBY AMENDED AS FOLLOWS:

- A. Section 165-164 (Definitions) is hereby AMENDED by INSERTING the following terms and definitions in alphabetical order:**

Active Display Area

The area within a Monument Display or outdoor advertising device which contains messaging content.

Monument Display

An internally illuminated structure with display or copy faces that uses a visual communication technology (VCT), such as light emitting diodes (LED) or other internal light sources, to communicate municipal, civic or emergency messaging, on-premises advertising, and/or commercial off-premises advertising. A Monument Display shall be capable of remotely or automatically changing displays. A Monument Display, as described in this Chapter, is a use unto itself and is expressly distinguished from, and shall not be construed as, a “Billboard” or “Sign” as described in this Chapter.

Monument Display Public Amenity

Any structure, improvement, edifice, or device which is constructed, installed, or made contemporaneously with one or more Monument Display(s) upon the same Lot; and which is intended for the use, convenience, protection, or benefit of the general public.

Monument Display Network

Two or more Monument Displays which located on two or more Lots and which are intended to be operated in concert or as part of a system of displays which contemporaneously communicate identical or substantially similar content across two or more displays which are part of such Network.

Monument Display Structure

A structure or other improvement which physically supports a Monument Display or any architectural element installed as part of the construction of a Monument Display.

Roadway

In the context of a Monument Display or sign, a roadway, and specifically the direction of travel upon such roadway, from which a Monument Display or other outdoor advertising device is intended to be read. Except as expressly provided in this Ordinance, when measuring the distance between any two Monument Displays on different parcels, or when measuring the distance between a Monument Display and any sign or outdoor advertising device, such measurement shall be made along the centerline of the Roadway between the nearest extents of the Active Display Area of such Monument Display(s), sign, and/or outdoor advertising device.

* * * * *

- B. Subsection §165-168.1.E. is hereby DELETED in its entirety and REPLACED with the following text:**

E. Separation. The location of each billboard shall comply with the following separation requirements:

- (1) At least a one-thousand-five-hundred-foot radius from any other billboard or Monument Display,
- (2) At least 500 feet from any residential zoning district, including those of a neighboring municipality.

* * * * *

C. **Section 165-178 (Reserved) is hereby AMENDED by DELETING Section 165-178 in its entirety and INSERTING the following text as a new Section 165-178:**

§165-178 Monument Displays

A. A Monument Display shall be subject to the following criteria:

- (1) **Additional Principal Use.**
 - (a) In the General Commercial district, a Monument Display, together with the public's use of its Monument Display Public Amenity(ies) (if any), shall constitute the sole and principal use upon the lot where it is constructed.
 - (b) A Monument Display, together with the public's use of its Monument Display Public Amenity(ies) (if any), may be one of two or more principal uses on a property in the Community Commercial zoning district.
- (2) **On-Premises and Off-Premises Content.** A Monument Display may display on-premises and off-premises commercial advertising.
- (3) **Municipal and Civic Messaging.** A Monument Display shall provide availability and time for municipal, civic and emergency messaging, which availability shall be a minimum of one full slot of advertising of not less than seven (7) seconds each to be displayed every two minutes, at no cost to the Township.
- (4) **Active Display Area.** Nothing herein shall be construed to require that any Monument Display(s) be designed or approved so as to minimize the Active Display Area of such Monument Display(s). The permitted Active Display Area of any face of any Monument Displays shall be a function of its Roadway.
 - (a) **Maximum Active Display Area.** The maximum permitted Active Display Area for each face of a Monument Display shall be a function of the Monument Display's Roadway. The maximum permitted Active Display Area for each face within a Monument Display which is primarily viewable to traffic upon a Roadway in one direction shall be no larger than:

- (i) 1,000 square feet when located along Dekalb Pike / Route 202; and
 - (ii) 1,200 square feet when located along I-76, I-276, or US-422.
 - (b) **Minimum Active Display Area.** The minimum permitted Active Display Area for each face of a Monument Display shall be a function of the Monument Display's Roadway. The minimum permitted Active Display Area for each face within a Monument Displays which is primarily viewable to traffic upon a Roadway in one direction shall be no smaller than:
 - (i) 300 square feet when located along Dekalb Pike / Route 202; and
 - (ii) 500 square feet when located along I-76, I-276, or US-422.
- (5) **Maximum Heights.**
- (a) **Monument Display Structure Height.** The maximum height of a Monument Display structure shall be the highest of:
 - (i) 65 feet measured from the Monument Display's Roadway; or
 - (ii) 55 feet measured from the average elevation of the Lot upon which the Monument Display is located.
 - (b) **Monument Display Public Amenity Height.** The maximum height of a Monument Display public amenity shall be the highest of:
 - (i) the maximum height of a Monument Display structure established pursuant to Subsection (5)(a) above; or
 - (ii) 55 feet measured from the lowest point of proposed final grade elevation within the footprint of the proposed Monument Display public amenity.
- (6) **Location and Spacing.**
- (a) **Abutting Major Roadways.** Monument displays shall be located only upon parcels which abut any of the following sections of roadways: Interstate 76 east of the Chester Valley Trail overpass, Interstate 276 (Pennsylvania Turnpike) between the Allendale Road overpass and the U.S. Route 202 overpass, U.S. Route 202 south of Interstate 276, and U.S. Route 422 west of Interstate 276.
 - (b) **Spacing From Other Monument Displays.** No Monument Display shall be located within 3,000 feet of any other Monument Display erected or approved on any other parcel.
 - (c) **Spacing From Residential Districts.** Monument displays shall be located not less than 150 feet from any residential zoning district in the Township or any residential zoning district or lawful residential use or

residential zoning district in any municipality which is adjacent to the Township.

(d) **Spacing from Pedestrian Crosswalk.** No Monument Display shall be constructed within 1,000 feet of any pedestrian crosswalk crossing over any Roadway of the Monument Display.

(e)

(f) **Spacing from Fire Companies.** No Monument Display shall be constructed within 1,000 feet of any fire company unless such fire company provides to the Township written certification that the construction and operation of the Monument Display will not adversely affect fire and emergency medical services coverage or response times within the Township.

(7) **Setbacks.**

(a) **Maximum Setback from the Legal or Existing Right of Way.** The nearest edge of the Active Display Area of a Monument Display shall be located not more than 35 feet from the edge of the ultimate right of way of the Roadway from which the display is intended to be primarily visible.

(b) **Setbacks Within Parcel.** Notwithstanding any provision of this Chapter to the contrary, Monument Displays and Monument Display Public Amenities shall be permitted within any yards and/or setbacks as may be otherwise imposed pursuant to this Chapter.

(8) **Illumination.**

(a) **Ambient Light Sensors Required.** All Monument Displays shall incorporate ambient light sensors that measure the levels of surrounding light and automatically reduce the intensity of illumination during periods of darkness or increase the intensity of illumination during periods of brightness.

(b) **Maximum Pixel Pitch.** A Monument Display using light emitting diodes (LED) as its visual communication technology shall have a pixel-pitch resolution of 16 mm or less.

(c) **Maximum light spillage or glare.** A Monument Display shall not spill light or glare exceeding three-tenths foot candles of light above the ambient light levels measured in accordance with this section.

(i) Light spillage or glare shall be measured by a professional lighting consultant or engineer. Applicant shall submit signed and sealed plans from such consultant or engineer with its initial application. Such specifications shall be subject to final inspection by the Township at construction completion. A follow-up inspection or study shall be performed by the applicant and certified by a Lighting Engineer 12 months from

commencement of operations. On demand and upon 15 days written notice additional inspections may be requested by the Township. The Lighting Engineer shall use a properly calibrated low-level foot candle light metering device with two decimal place capability at a height of five feet above the grade of the Monument Display held at a preset distance from the Monument Display called the Illuminance Measurement Distance, which is calculated in accordance with the formula below. The Lighting Engineer shall aim the light meter toward the Monument Display at a perpendicular angle from the Illuminance Measurement Distance. When a measurement from the required distance is obstructed by a property line, a building, or other permanent structure, the measurement shall be taken from the furthest possible perpendicular extent. The Illuminance Measurement Distance, in feet, shall be equal to the square root of the quantity of the product of the Active Display Area (in square feet) multiplied by 100.

(ii) In order to determine the ambient light level, the Lighting Engineer shall employ one of two methods at his or her discretion as follows:

(A) **Inactive Monument Display.** Upon 24 hours notice to the Monument Display operator, the Lighting Engineer may require the operator to momentarily turn off the Active Display Area during which time the Lighting Engineer shall position the light meter at an elevation of five feet above the grade at the Illuminance Measurement Distance. Immediately following measurement of the ambient light level, the Active Display Area shall be turned back on whereupon the Lighting Engineer shall measure the light spillage or glare emanating from the Active Display Area to determine compliance.

(B) **Active Monument Display.** The Lighting Engineer shall aim the light meter toward the Active Display Area but shall place an opaque black sheet of material that is of an appropriate size to obstruct the light meter from reading any light emanating from the Active Display Area. A material size of 12 inches high by 40 inches is recommended but subject to the discretion of the Lighting Engineer. The material should be placed at a distance of ten feet away from the Lighting Engineer in between the Monument Display and the Lighting Engineer. Please see Diagram A below for an illustration.

Diagram A: Measuring Ambient Light Level



A. Monument

B. Black cardboard or similar material

C-D. Measurement Distance

- (iii) If measuring the illumination intensity during day time hours (dawn to dusk), the Lighting Engineer shall conduct the measurement within a time frame of at least 30 minutes after dawn and 30 minutes before dusk. If measuring during night time hours (dusk to dawn), the Lighting Engineer shall conduct the measurement within a time frame of at least 60 minutes after dusk but 60 minutes before dawn.
- (iv) All light meter measurements shall be represented by two circles, a larger field of view circle and a smaller target area circle inside the view finder. The Lighting Engineer shall position the target area circle so it falls entirely within the brightest portion of the Active Display Area that is being measured, as outlined in Diagram B below.

Diagram B: Measuring Target Examples

Measuring Examples



(9) **Automatic Changeable Message or Copy.**

- (a) **Dwell time.** No Monument Display shall change message or copy on the Active Display Area more than once every seven seconds.
- (b) **Message or copy transition.** All message or copy changes shall be instantaneous; there shall be no scrolling, fading, animated, flashing or moving messages or copy.

(10) **Operation and maintenance.**

- (a) **Hours of operation.** The hours of operation of a Monument Display shall be 24 hours per day. Nothing herein shall preclude the the imposition of reasonable conditions by the Board of Supervisors designed to limit any potential adverse impacts upon residential uses near a proposed Monument Display which is the subject of an application for conditional use approval.
- b. **Maintenance.** The owner of the Monument Display, or his or her authorized agent, shall continuously maintain the Monument Display structure and surrounding associated area. At its discretion, the Township may perform annual inspections of the Monument Display to determine compliance with the Monument Display permit. Any noncompliance shall be corrected (or commercially reasonable steps shall be taken) within 30 days of written notice from the Township. Every five years, the owner or operator of the Monument Display structure shall have a Pennsylvania-registered structural engineer inspect the Monument

Display structure and provide the Township with a certificate from the engineer certifying that the Monument Display is structurally sound.

(11) **Landscaping.**

- a. A landscaping plan is required for the site of the Monument Display to be submitted for review to the Township as part of the Monument Display permit application or application for conditional use approval. The Township may require the area immediately beneath the Monument Display to include landscaping with suitable shrubbery and/or bushes of a minimum height of three to five feet to partially buffer or screen the foundation of the Monument Display.
- b. Any Monument Display design that incorporates landscaping shall require the entity, person, or individual who owns the Pennsylvania Department of Transportation permit for the specific Monument Display, to permanently maintain the landscaping and to execute a Maintenance Agreement with the Township that will include the posting of escrow with the Township in an amount reasonably sufficient to replace any diseased or dead landscaping in the event the owner or his or her authorized agent fails to do so.

(12) **Restrictions.** A Monument Display shall not:

- (a) Exhibit statements, words or pictures of obscene or pornographic subjects as determined by the Township, or otherwise display any content prohibited by 18 Pa.C.S.A. § 5903.
- (b) Emit any audio content.
- (c) Display any moving, flashing, scrolling or animated text or video.
- (d) Include the appearance of any stop sign or any other message, word or image that has the potential to distract drivers or otherwise jeopardize the public health, safety or welfare, or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device, or which uses the word "stop" or "danger" or presents or implies the need or requirement of stopping or the existence of danger.
- (e) Use an Active Display Area background consisting of bright white.

(13) **Architectural requirements.** The architecture of a Monument Display shall incorporate visual art or architecture elements in addition to its messaging function thereby creating a unique or distinctive architectural design. A Monument Display design shall incorporate one or more of the following architectural elements: stone, stucco, wood, brick, ornamental iron or decorative steel.

(14) **Monument Display Public Amenities.** Any application for a Monument Display shall include a form of Monument Display Public Amenity. If several Monument Displays are proposed as part of a Monument Display Network, the

applicant may construct up to three (3) locations for Monument Displays which do not include Monument Display Public Amenities, for every one (1) location proposed to include Monument Display Public Amenities. The construction of such Monument Display Public Amenities shall be commenced within twelve (12) months of the date when any Monument Display within the Monument Display Network becomes operational; or within such longer timeframe as may be reasonably imposed by the Board of Supervisors as a condition of conditional use approval.

B. Monument Display Permit Application Procedure. A Monument Display shall comply in all respects with the requirements of this Section.

(1) Applicability of Additional Regulations.

- (a) In the case of proposed Monument Displays, or a Monument Display Network, where any Monument Display Public Amenities proposed do not include a habitable structure with a footprint greater than 1,000 square feet, no further development plan approval pursuant to §§ 165-236 and 165-237 of this chapter shall be required; and, provided that no subdivision of land is simultaneously proposed, no further land development approval pursuant to Chapter 145 of the Township's Code of Ordinances shall be required.
- (b) In the case of proposed projects where the proposed Monument Display Public Amenity(ies) include a habitable structure with a footprint greater than 1,000 square feet, no further development plan approval pursuant to §§ 165-236 and 165-237 of this chapter shall be required, but such project shall not be automatically exempt from land development approval pursuant to Chapter 145 of the Township's Code of Ordinances.
- (c) Notwithstanding the foregoing, nothing herein shall exempt such projects from appropriate oversight and permitting associated with stormwater, grading and erosion control pursuant to Chapters 140A and 140B of the Township's Code of Ordinances.

(2) Where Permitted By Right. Where any Monument Display is permitted by right in the zoning district where it is proposed, construction of such Monument Display shall proceed only upon the issuance of a building permit as follows:

- (a) The applicant shall submit a building permit application with the customary information typically requested by the Township for any commercial construction project together with:
 - (i) a landscaping plan as described in Subsection A.(11) above; and
 - (ii) such other documentation as may be necessary to demonstrate the compliance of the proposed improvements with the provisions of this Section; and
 - (iii) a permit application fee as established from time to time by the Board of Supervisors.

- (b) The Township employee responsible for the issuance of building permits (the “Code Official”) shall, within thirty (30) days of receipt of the application materials, approve and issue the subject building permit(s) to the applicant; or identify in reasonable detail such defects in the application which prohibit the issuance of such permit(s). Nothing herein shall prohibit the issuance of a provisional or conditional permit subject to conditions precedent to issuance in the sound discretion of the Township’s staff.
- (2) **Where Permitted By Conditional Use.** An application for conditional use approval shall be required for any Monument Display permitted by conditional use in the zoning district where the proposed Monument Display will be located; or in order for the Board of Supervisors to exercise any discretion afforded to that body by the terms of this Section, even if the Monument Display would otherwise be permitted by right.
- (a) The Township shall review and issue comments to any proposed Monument Display architecture within 30 days of submission of a Monument Display conditional use application and any subsequent revised submissions.
 - (b) The applicant for conditional use approval for any Monument Display or Monument Display Network shall satisfy all specific criteria provided in this Section in addition to the general criteria for the granting of a conditional use as set forth in this Chapter.
 - (c) An applicant may propose to construct a Monument Display Network by simultaneously submitting separate applications for conditional use approval for each lot where such Monument Displays are proposed, together with a cover letter certifying that such applications are intended to be approved together as a Monument Display Network.
 - (d) Except as otherwise proscribed by applicable law, the Township Planning Commission and Board of Supervisors shall have broad authority and discretion to structure the orderly and appropriate admission of parties, taking of testimony and evidence, and rendering of decision(s) when considering an application for a Monument Display Network. Nothing herein shall prohibit the Township Planning Commission from issuing one recommendation as to all proposed locations within a Monument Display Network. Nothing herein shall prohibit the Board of Supervisors from issuing one decision granting or denying conditional use approval for all proposed locations within a Monument Display Network.
 - (e) Each subsequent application to add one or more new Monument Displays to an existing Monument Display Network shall be treated as a separate application for conditional use approval.

C. Monument Display Public Amenity Construction, Monument Display Operation.
The construction of any Monument Display Public Amenity(ies) approved pursuant to

this Section shall be a condition for the permanent operation of any Monument Display approved or permitted in conjunction with such approved or permitted Monument Display Public Amenity(ies) upon the same parcel, provided that such Monument Display(s) may be operated while such construction is ongoing and proceeding with reasonable progress.

D. Section 165-107 (General requirements) is hereby DELETED and REPLACED in its entirety with the following text:

§165-107 General requirements.

- A. Except for Monument Displays and Monument Display Public Amenities approved or permitted pursuant to § 165-178, all development in the commercial districts shall be served by public sewer and public water facilities.
- B. Off-street parking shall be provided in accordance with § 165-191 *et seq.*
- C. Except for Monument Displays and Monument Display Public Amenities approved or permitted pursuant to § 165-178, signs shall meet the requirements of § 165-161 *et seq.* Signage located on buildings shall be consistent in size, location and materials throughout a specific development.
- D. Except for Monument Displays and Monument Display Public Amenities approved or permitted pursuant to § 165-178, landscaping and buffers shall be provided in accordance with the requirements of § 145-24.1 of the Subdivision and Land Development Ordinance.

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SECTION 2. MONUMENT DISPLAYS PERMITTED IN GENERAL COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS. CHAPTER 165, ARTICLE XIX (COMMERCIAL DISTRICTS) OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MERION IS HEREBY AMENDED AS FOLLOWS:

- A. Section 165-105 is hereby AMENDED to permit the Monument Display use in the Community Commercial zoning district by right and to permit the Monument Display use in the General Commercial zoning district by Conditional Use by INSERTING the following row in the table of permitted uses specified therein as the last line in the section entitled “Information” and by APPENDING the note indicated below:

Monument Displays	NP	NP	P/CU ⁶	P ⁵ /CU ⁶	NP
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- 5. Permitted when conducted as the sole principal use upon the premises.
- 6. Conditional Use approval is required for a Monument Display use in the Community Commercial zoning district and in the General Commercial zoning district if any proposed Monument Display Public Amenity(ies) include a structure intended for human habitation with a footprint greater than 1,000 square feet.

SECTION 3. SUBDIVISION OF LAND ORDINANCE AMENDMENT. CHAPTER 145 (SUBDIVISION OF LAND) OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MERION IS HEREBY AMENDED AS FOLLOWS:

- A. Section 145-6 (Definitions) is hereby AMENDED by INSERTING the following text as a new definition of the term “MONUMENT DISPLAY” in alphabetical order:**

MONUMENT DISPLAY

An internally illuminated structure with display or copy faces that uses a visual communication technology (VCT), such as light emitting diodes (LED) or other internal light sources, which as permitted or approved pursuant to §165-178 of the Township’s Zoning Ordinance. A Monument Display, as described in this Chapter, is a use unto itself and is expressly distinguished from, and shall not be construed as, a “Billboard” or “Sign”.

- B. Section 145-6 (Definitions) is hereby AMENDED by DELETING the definition of the term “STRUCTURE” and REPLACING the same with the following text as a definition of the term “STRUCTURE”:**

STRUCTURE

Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements, excepting therefrom flagpoles flying the flag of the United States only and light standards used for illumination of parking areas in commercial, industrial and multifamily zoning districts. Monument Displays and appurtenant improvements which do not include any habitable building with a footprint in excess of 1,000 square feet are excluded from the definition of a “Structure”.

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SECTION 4. REPEALER. All Ordinances or parts Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 5. REVISIONS. The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 6. SEVERABILITY. To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective immediately.

SECTION 8. FAILURE TO ENFORCE NOT A WAIVER. The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

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ENACTED AND ORDAINED this **15th** day of **October, 2020** by the Board of Supervisors of Upper Merion Township.

**BOARD OF SUPERVISORS
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ATTEST:

By: _____
Township Secretary

By: _____
William Jenaway, Ph.D., Chairperson

By: _____
Carole Kenney, Vice Chairperson

By: _____
Tina Garzillo, Supervisor

By: _____
Greg Philips, Supervisor

By: _____
Greg Waks, Supervisor