

**CODE OF ORDINANCES**

**of the**

**Borough of Richlandtown**

**Bucks County, Pennsylvania**

**Published by Authority of the Borough of Richlandtown**

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## **FOREWORD**

### **History**

This comprises the codification of the Ordinances of the Borough of Richlandtown.

The Code of Ordinances of the Borough of Richlandtown was published by General Code Publishers.

### **Organization**

The code contains four parts which are (1) the valid current ordinances of the Borough contained in Chapters 1 through 27, (2) the appendix which lists by abstracted title all ordinances of a temporary or “one time” nature, (3) the key to the disposition of each ordinance ever enacted by the Borough, and (4) the index which is an alphabetical arrangement of subjects.

In the code, each chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each chapter. The index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which chapter the subject might be found. The appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The key to disposition indicates what action has been taken by the codifiers and the Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a chapter of the code book, or (4) is located in the appendix. Annual tax rate and budget ordinances are located only in the key. The key is a cross reference to the original ordinance books of the Borough, and to the location within the code of each ordinance by number.



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

**AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF RICHLANDTOWN, BUCKS COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.**

**BE IT ORDAINED AND ENACTED** by the Borough Council of Richlandtown Borough, Bucks County, Pennsylvania, and it is hereby ordained and enacted under authority of §1601(d) of the Borough Code, as follows:

**Section 1. Adoption.** The "Code of Ordinances, Borough of Richlandtown," as prepared and published for the said Borough, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough organized as follows:

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Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough shall be authoritative.

**Section 2. Citation and Effective Date.** The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Borough of Richlandtown Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

**Section 3. Saving Clause.** The provisions of the Borough of Richlandtown Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

**Section 4. Consolidation and Revision.** As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
15, Entire Chapter	Motor Vehicles and Traffic	29, 52, 80, 175, 221, 227, 229

B. Revisions

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
None		



**Section 5. New Enactments, Amendments and Repeals.** As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

<b>Chapter, Part, Section</b>	<b>Subject</b>
1, 2, §§1-211-1-221	Open Records Policy
1, 3, §§1-301-1-303	Firemen’s Relief Association
1, 4, §§1-401-1-406	Fire Insurance Escrow
2, 1, §§2-101-2-108	Prohibiting Dogs Running at Large
2, 2, §§2-201-2-206	Regulating the Keeping of Certain Animals
5, 6, §§5-601-5-602	International Property Maintenance Code
13, 1, §§13-101-13-109	Transient Retail Businesses
24, 4, §§24-401-24-418	Local Taxpayers Bill of Rights
26, 3, §§26-301-26-307	Water Conservation Standards

B. Amendments

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
5, 2, §5-212	Written Application	134, §12
13, 2, §13-204	Fee for Permit	230, 233
20, 1, §20-102	Definitions	202, §2
20, 1, §20-104	Prohibited Activities	202, §4
20, 1, §20-106	Licensing Requirements	202, §6
21, 2, §21-204	Fees	5/8/1972, §4
24, 3, §24-302	Authority	182, §2

C. Repeals

<b><u>Ord.</u></b>	<b>Subject</b>
20	Exhibitions
33	Building Permits
159	Peddling
166	Per Capita Tax

**Section 6. Adoption of Standard Codes by Reference.** As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

**Chapter, Part, Section      Short Title**

[Reserved]

**Section 7. Land Use Amendments.** The Borough Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, all of which is briefly summarized hereinafter.

A. New Provisions. The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

<b>Chapter, Part, Section</b>	<b>Subject</b>
22, 9, §22-904	Preventive Remedies
22, 10, 22-1004	Publication, Advertisement and Availability of Ordinances
27, 13, §27-1300	Enforcement Notice
27, 13, §27-1303	Jurisdiction
27, 14, §27-1400	Zoning Map Amendments

B. Revised Provisions. The following provisions of the Code are revised, and are summarized as follows:

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
22, 2, §§22-202	Enforcement Remedies	157
22, 3, §22-300	Definitions	157
22, 5, §22-515	Easements	157
22, 6, §22-612	Public Water Supply	157
22, 6, §22-613	Public Sanitary Sewers	157
22, 10, §22-1002	Enactment of Subdivision and Land Development Ordinance	157
27, 2, §27-200	General	128
27, 5, §27-500	District Regulations	128
27, 13, §27-1301	Enforcement Remedies	128
27, 13, §27-1302	Complaints of Violation	128

C. Repealed Provisions. The following provisions of the Code are repealed, the text of which indicates deletions by strike-through, and are as follows:

<b>Chapter, Part, Section</b>	<b>Subject</b>	<b>Ordinance No.</b>
None		

**Section 8. Procedural Changes.** The following minor procedural changes have been made to existing Borough of Richlandtown ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

**Section 9. Amending the Code of Ordinances.** The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby repealed in its entirety."

**Section 10. Responsibility for Code of Ordinances.** It shall be the responsibility of the Borough Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough Code of Ordinances and shall be available for public inspection.

**Section 11. Penalties.** It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Borough. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 90 days.

**Section 12. Severability of Parts of Codification.** It is hereby declared to be the intention of the Borough Council that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

BOROUGH OF RICHLANDTOWN

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President of Borough Council

**FEE RESOLUTION NO. \_\_\_\_\_**

A resolution establishing fees for the filing of applications, permits and licenses for the Borough of Richlandtown.

WHEREAS, the Borough Council of the Borough of Richlandtown has adopted a codification, consolidation and revision of the ordinances of the Borough ; and,

WHEREAS, it is the desire of the Borough Council of the Borough of Richlandtown to eliminate all filing fees, permit fees and license fees from the Code of Ordinances and enact them instead by resolution; and,

NOW, THEREFORE BE IT RESOLVED THAT and it is hereby resolved by the Borough Council of the Borough of Richlandtown that all fees are hereby fixed as follows:

**FEE SCHEDULE**

<b>SUBJECT</b>	<b>FEE</b>
<b>Taxation, Special</b>	
Tax certification First year Each additional year	\$15 \$10
Duplicate bills and memo bills Bill forwarding Copying	\$3 \$.50/bill \$.50 page
<b>Water</b>	
Relative size of project Total tract area < 1 ac 1-5 ac 5-25 ac 25 - 100 ac 100 - 200 ac >200 ac	\$250 \$500 \$1,000 \$1,500 \$2,000 \$2,000 + \$5/ac over 200
Stormwater control measure Detention basins and other controls which require a review of hydraulic routings (\$ per control)	\$300
Other control facilities which require storage volume calculations but no hydraulic routings (\$ per control)	\$300
Site inspection (\$ per inspection)	\$250

<b>SUBJECT</b>	<b>FEE</b>
All subsequent review shall be 1/4 the amount of the initial review unless a new application is required. A new fee shall be submitted with each revision.	
<b>Water rates</b>	
Quarter annual rates Minimum charge for use per quarter year	\$12
All water used per quarter year	\$1.50 per 1,000 gallons
<b>Exceptions:</b>	
Water provided to churches and cemeteries within the Borough shall be provided a flat rate of	\$48 per year
Water shall be provided to playgrounds within the Borough at no charge	
Additional charge for buildings containing a sprinkler system depending on the size of the line: 6 inch line or smaller Lines in excess of 6 inch	\$50 per quarter year \$80 per quarter year
Water consumed in the erection or construction of a building where no meter has been installed, the charges shall be as follows:	
Single family dwellings All others	\$25 per quarter year \$20 per quarter year
<b>Connection fees for connecting from the water main to the curb:</b>	
Single family dwelling	\$4,000
Institutional, commercial or industrial property. The connection fee shall be based upon the anticipated water use at the rate of \$4,000 for each 16,000 gallons or part thereof, of anticipated water consumption. When application is made for a connection permit, the Borough Council, through its agent, shall initially determine the anticipated use and the fee to be charged based thereon. Any applicant who is dissatisfied with the fee as so determined shall have the right to appeal.	
<b>Zoning</b>	
<b>Building Permits:</b>	
Residential	
New construction with foundations	\$102 + \$.50/sq. ft.

<b>SUBJECT</b>	<b>FEE</b>
Additions	\$102 + \$.50/sq. ft.
Alterations	\$25.02 first \$1,000 and \$10 per additional \$1,000 or fraction thereof (minimum fee \$52)
Mobile homes	\$252
Temporary mobile homes	\$100 per year
Nonresidential	
New construction	\$102 + \$.35/sq. ft.
Additions	\$102 + \$.35/sq. ft.
Alterations	\$52 first \$1,000 and \$20 per additional \$1,000 or fraction thereof (minimum fee \$82)
Miscellaneous	
Accessory structures	\$.10/sq. ft. (minimum fee \$40)
Decks/concrete patios	\$.20/sq. ft (minimum fee \$60)
In ground swimming pools	\$50
Demolition	\$50
Re-inspection (not ready for scheduled inspection)	\$50
Above/below ground storage tank	
<10,000 gallons	\$.05 per gallon (minimum fee \$60)
>10,000 gallons	\$.05 per gallon (minimum fee \$500)
Oil/propane tanks (for heating systems)	\$40
Tank removal	\$50
Zoning Permits	
In conjunction with building permits	\$25
Home occupation use permit	\$25

<b>SUBJECT</b>	<b>FEE</b>
Storage sheds (prefab only)	\$15
Above ground pools	\$25
Fences (zoning only)	\$15
Paved patios	\$15
Use permits	\$25
Unlicensed vehicles (temporary 1 year)	\$20
Unlicensed vehicles (permanent)	\$500
Signs (0 to 24 sq. ft.)	\$25
Signs (25 to 100 sq. ft.)	\$40
Zoning, Miscellaneous	
Zoning Hearing Board applications	\$500
Borough Council (Conditional Use)	\$500
Resale Use and Occupancy	
Residential, use and occupancy inspection	\$50
Nonresidential	\$100

<b>Subdivision and land Development</b>	<b>Application Fee</b>	<b>Per Lot</b>	<b>Escrow</b>
Minor Subdivision			
Lot line adjustments or subdivision into two lots only	\$250	\$0	\$500
Major Subdivisions			
3-5 lots			
Preliminary plan	\$1,000	\$150	\$50 per lot
Final plan	\$1,000	\$100	\$500
6-20 lots			
Preliminary plan	\$1,500	\$200	\$50 per lot
Final plan	\$1,000	\$100	\$500
>21 lots			
Preliminary plan	\$2,000	\$250	\$50 per lot



<b>Subdivision and land Development</b>	<b>Application Fee</b>	<b>Per Lot</b>	<b>Escrow</b>
Final plan	\$1,000	\$200	\$500
Land Development (Residential)			
1-5 lots			
Preliminary plan	\$1,000	\$250	\$100 per lot
Final plan	\$1,000	\$200	\$1,000
6-20 lots			
Preliminary plan	\$1,500	\$250	\$100 per lot
Final	\$1,000	\$200	\$1,000
>21 lots			
Preliminary plan	\$2,000	\$250	\$100 per lot
Final plan	\$1,000	\$200	\$1,000
Land Development (Nonresidential)			
Preliminary plan	\$5,000		\$3,000
Final plan	\$2,000		\$1,500
Stormwater Management			
Filing fee		\$75	
Land Use		\$250	
Residential		\$250	
Commercial/industrial		\$400	
Relative amount of earth disturbance			
Residential			
Road <500 l. ft.		\$250	
Road 500 - 2640 l. ft.		\$500	
Road >2640 l. ft.		\$750	
Commercial/industrial/other			
Impervious area <3,500 sq. ft.		\$250	
Impervious area 3,500 - 43,560 sq. ft.		\$500	

<b>Subdivision and land Development</b>	<b>Application Fee</b>	<b>Per Lot</b>	<b>Escrow</b>
Impervious area >43,560 sq. ft.		\$1,000 + \$250 per 10,000 sq. ft. impervious area	
Relative size of the project			
Total tract area 1 acre		\$250	
1-5 acres		\$500	
6-25 acres		\$1,000	
26-100 acres		\$1,500	
101-200 acres		\$2,000	
>200 acres		\$2,000 + \$50 per acre over 200	
Stormwater control measure			
Detention basins and other controls which require review of hydraulic routings		\$300 per control	
Other control facilities which require storage volume calculations but no hydraulic routings		\$300 per control	
Site Inspections		\$250 per inspections	
Miscellaneous			
Fire protection			
Hazardous materials storage		\$250	
Commercial cooking appliances exhaust and suppression systems		\$50	
Street opening/excavation			
Unimproved surface		\$50 + \$2 per linear feet	

<b>Subdivision and land Development</b>	<b>Application Fee</b>	<b>Per Lot</b>	<b>Escrow</b>
Improved surface		\$100 + \$4 per linear feet	
Publication and maps			
Zoning ordinance		\$25	
Subdivision/Land Development ordinance		\$25	
Faxing any document		\$1 per page	
Photo copy		\$.25 per page/copy	

RESOLVED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BOROUGH OF RICHLANDTOWN

By \_\_\_\_\_  
President of Borough Council

ATTEST:

\_\_\_\_\_  
Secretary



**CHAPTER 1**  
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ADMINISTRATION AND GOVERNMENT

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**PART 1**

**PLANNING COMMISSION**

**§1-101. Creation of Planning Commission.**

1. There is hereby created a Planning Commission for the Borough of Richlandtown to be composed of five members who shall serve without compensation. The Borough Council shall, by resolution, appoint five proper persons to the said Planning Commission, each for a term of four years or until his successor is appointed and qualified, except that the terms of the members first appointed shall be as follows: one shall be appointed for a term of one year; one shall be appointed for a term of two years; one shall be appointed for a term of three years; and two shall be appointed for terms of four years each.
2. The Planning Commission shall perform all the duties and may exercise all of the powers conferred by law upon it.

(Ord. 123, 6/14/1971, §1)





**PART 2**

**POLICIES**

**A. Sexual Harassment Policy.**

**§1-201. Sexual Harassment Policy.**

1. It is the policy of Richlandtown Borough to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications deemed to constitute sexual harassment under Federal and State laws, regulations and guidelines. Richlandtown Borough will not tolerate workplace sexual harassment, and it will be grounds for discipline up to and including discharge.
2. The Equal Employment Opportunity Commission has issued guidelines prohibiting sexual harassment. The guidelines define sexual harassment as: “Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature” which occur in one or more of three circumstances: one submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; two submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals; or three such conduct has a purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
3. All managerial and supervisory personnel are responsible for enforcing Richlandtown Borough’s Sexual Harassment Policy. The failure to enforce this Policy in a prompt and strict manner may subject such personnel to disciplinary action.
4. Any employee or member of the Borough staff who feels that he or she is the victim of any form of sexual harassment, directed to them by other employees, or any outside person contracted to do work for the Borough, shall inform the harasser that the conduct is offensive and must stop. The employee should file a written complaint as soon as possible after the occurrence of the incident by reporting the conduct to a higher level supervisor and/or directly to the President of Borough Council, Mayor or Borough Secretary who will, if requested, assist the individual in filling out the form.
5. If the complaint involves someone in the individual’s direct line of supervision, the conduct should be reported to the Borough Secretary. If the complaint is against the Borough Secretary, the President of Richlandtown Borough should be contacted. If the complaint is against a member of Borough Council, the complaint should be referred to either the President of Borough Council or the Borough Solicitor directly. In all cases of a filing of a complaint, the Borough official receiving the complaint shall inform the Borough Solicitor. The employee’s complaint will be thoroughly investigated and a report will be made to the employee of the results of the investigation.

## ADMINISTRATION AND GOVERNMENT

(Res. 1995-4, 7/10/1995)

### **B. Open Records Policy**

#### **§1-211. General Rule.**

Unless otherwise prohibited by law, the Borough of Richlandtown shall make all public records as defined by the Pennsylvania Open Records Law accessible for inspection and duplication by a requestor in accordance with 65 P.S. §66.1 et seq. A public record shall be provided to a requestor in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists, except for the provisions in §1-211(2). Public records shall be available for access during the regular business hours of the Borough. Nothing in this Part shall provide for access to a record which is not a public record.

(A.O.)

#### **§1-212. Request for Access to Public Records.**

1. All requests for public records shall be in writing and shall be set forth on the Borough Request Form, a sample of which is attached hereto as Exhibit "A" incorporated herein by reference. The form shall include among other things, the requestor's contact information, date received and specific records requested. Requests may be submitted in person or by mail or fax.
2. Requests must be specific enough for the Borough to determine what records are needed.

(A.O.)

#### **§1-213. Borough's Response to Requests for Access.**

1. General Rule. Upon receipt of a written request for access to a record, the Borough shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received by the Borough. Except as set forth in subsection (2) below, if the Borough fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied.
2. Exception. Upon receipt of a written request for access, if the Borough determines that one of the following applies:

- A. The request for access request requires redaction of a public record.
- B. The request for access requires the retrieval of a record stored in a remote location.
- C. A timely response to the request for access cannot be accomplished due to bona fide and specific staffing limitations.
- D. A legal review is necessary to determine whether the record is a public record subject to access under 65 P.S. §66.1 et seq.
- E. The requestor has not complied with the Borough's policy regarding access to public records.
- F. The requestor refuses to pay applicable fee set forth in this Part.

The Borough shall send written notice to the requestor within five business days of the Borough's receipt of the request notifying the requestor that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed under subsection (1) above, the request for access shall be deemed denied.

- 3. Denial. If the Borough's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:
  - A. A description of the record requested.
  - B. The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Borough's determination that the record is not a public record shall be included.
  - C. The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
  - D. Date of the response.
  - E. The procedure to appeal the denial of access under 65 P.S. §66.1 et seq.

(A.O.)

**§1-214. Redaction.**

If the Borough determines that a public record contains information which is subject to access, as well as information which is not subject to access, the Borough's response

## ADMINISTRATION AND GOVERNMENT

shall grant access to the information which is subject to access and deny access to the grant access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Borough shall redact from the public record the information which is not subject to access and the response shall grant access to the information which is subject to access. The Borough may not deny access to the public record if the information which is not subject to public access is able to be redacted. Information which the Borough redacts in accordance with this Section shall be deemed a denial under §1-213(3) of this Part.

(A.O.)

### **§1-215. Final Borough Determination.**

1. Filing of Exceptions. If a written request for access is denied or deemed denied, the requestor may file exceptions with the Borough Manager/Secretary of the Borough within 15 business days of the mailing date of the Borough's response or within 15 days of a deemed denial. The exceptions shall state grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.
2. Determination. Unless the requestor agrees otherwise, the Borough Manager/Secretary of the Borough or his/her designee, shall make a final determination regarding the exceptions within 30 days of the mailing date of the exceptions. Prior to issuing the final determination regarding the exceptions, the Borough Manager/Secretary or his/her designee may conduct a hearing. The determination shall be the final order of the Borough. If the Borough Manager/Secretary or his/her designee determines that the Borough correctly denied the request for access, the Borough Manager/Secretary or his/her designee shall provide a written explanation to the requestor of the reason for the denial.

(A.O.)

### **§1-216. Judicial Appeal.**

1. Within 30 days of the denial by the Borough pursuant to §1-213(3) of this Part, or of the mailing date of a final determination of the Borough affirming the denial of access, a requestor may file a Petition for Review or other document as might be required by Rule of Court with the Court of Common Pleas of Bucks County, Pennsylvania, or bring an action in the local magisterial district. A requestor is entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached.

2. Notice. The Borough shall be served notice of actions commenced in accordance with subsection (1) of this Section and shall have an opportunity to respond in accordance with applicable court rules.

(A.O.

**§1-217. Fees.**

1. The Borough may charge the following fees for requests made for access to public records:
  - A. Postage. Fees for postage shall be the actual cost of mailing.
  - B. Copying. Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be the same as the per copy fee set forth in the Borough's fee schedule, as amended, from time to time, by resolution of the Borough Council.
  - C. Certification. The fee for official certification of copies, if an official certification is requested by the requestor for the purpose of legally verifying the public record, shall be in an amount as established, from time to time, by resolution of Borough Council.
  - D. Conversion to Paper. If a public record is only maintained electronically or in other non-paper media, duplication fees shall be those imposed by subsection (B) of this Section.
2. The Borough may waive the fees for duplication of a public record including, but not limited to, when:
  - A. The requestor duplicates the public record.
  - B. The Borough deems it is in the public interest to do so.
3. Payment. Prior to granting a request for access in accordance with this Part, the Borough may require a requestor to prepay an estimate of the fees authorized under this Section if the fees required to fulfill the request are expected to exceed \$100.
4. Limitations. Except as otherwise provided by statute, no other fees may be imposed unless the Borough necessarily incurs costs for complying with the request and such fees must be reasonable. No fee may be imposed for the Borough's review of a record to determine whether the record is a public record subject to access in accordance with 65 P.S. §66.1 et seq.

(A.O.

## ADMINISTRATION AND GOVERNMENT

### **§1-218. Borough Contact.**

The person at the Borough to whom all record requests should be addressed shall be:

Ruth Lewis, Manager/Secretary  
Borough of Richlandtown  
125 South Main Street  
P.O. Box 455  
Richlandtown, PA 18955  
(215)538-9290

(A.O.)

### **§1-219. Regular Business Hours.**

The regular business hours of the Borough shall be Monday 1:00 p.m. to 5:00 p.m. and Thursday 9:00 a.m. to 1:00 p.m.

(A.O.)

### **§1-220. Person Designated to Accept Exceptions Filed When a Record is Denied.**

The individual at the Borough who shall receive and respond to exceptions filed when a record is denied and the requestor disagrees with the denial shall be the Borough Manager.

(A.O.)

### **§1-211. Miscellaneous.**

1. The Borough shall not ask for or require a purpose or motive for requesting a particular record and shall not limit the number of public records that may be requested.
2. If the record is only kept in electronic form, the Borough shall make it available in paper on request.
3. The Borough will not create a record that does not exist or put a document into a format that does not exist, except for subsection (2) above.
4. This Part shall be posted prominently at the Borough municipal building.

(A.O.)

**PART 3**

**FIREMEN'S RELIEF ASSOCIATION**

**§1-301. Recognition Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Richlandtown:

Borough of Richlandtown Fire Company No. 1.

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above-named association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(A.O.)

**§1-302. Certification to Auditor General.**

The Borough Council shall annually certify to the Auditor General of the Commonwealth the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General.

(A.O.)

**§1-303. Annual Appropriation.**

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies pursuant to the Foreign Fire Insurance Tax Distribution Law, the Act of December 18, 1984, P.L. 1005, No. 205, 53 P.L., §895.701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(A.O.)





**PART 4**

**FIRE INSURANCE ESCROW**

**§1-401. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, (40 P.S. §638) (the “Act”) and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims”), or there are expenses which the Borough has incurred as a cost for removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the Borough Secretary of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:
  - A. Stating that there are no unpaid municipal claims or municipal expenses against the property.
  - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.
  - C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.
3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section, or where the Treasurer has issued a certificate described in subsection (2)(A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

## ADMINISTRATION AND GOVERNMENT

- A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
- B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.
- C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:
  - (1) Place the proceeds in separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this ordinance. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto; and,
  - (2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.
  - (3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.
  - (4) Pay to the Borough Secretary, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.
  - (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

- (6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

(A.O.)

**§1-402. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this ordinance or to make this Borough any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(A.O.)

**§1-403. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this ordinance for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment including all rights of subrogation and of assignment.

(A.O.)

**§1-404. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(A.O.)

## ADMINISTRATION AND GOVERNMENT

### **§1-405. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(A.O.)

### **§1-406. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to 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 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

(A.O.)

1 Attachment 1

Borough of Richlandtown

**Public Record Request Form**

**Exhibit "A"**

Upon receipt of a written request for access to a record, the Borough of Richlandtown shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received. If the Borough fails to send the response within five business days of receipt of the request for access, the written request for access shall be deemed denied.

Exceptions to the five day response period will be made, up to 30 additional days, for the following reasons:

- A. Redaction of a public record is requested.
- B. Retrieval of a record stored in a remote location.
- C. Bona fide and specified staffing limitations.
- D. A legal review is necessary to determine whether the record is a public record subject to access under 65 P.S. §66.1 et seq.
- E. Requestor has not complied with policy regarding access to records.
- F. Requestor refuses to pay applicable fees set forth. (Cost per copy \$ \_\_\_\_\_)

Please print or write legibly (use back if more is needed).

Date of Request \_\_\_\_\_ Phone/Fax # \_\_\_\_\_

Name of Requestor \_\_\_\_\_

Address \_\_\_\_\_

Records requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CHAPTER 2**

**ANIMALS**

**PART 1**

**PROHIBITING DOGS RUNNING AT LARGE**

- §2-101. Definitions**
- §2-102. Appointment and Duties of Dog Warden**
- §2-103. Unlawful to Allow Dogs to Run at Large**
- §2-104. Seizing of Dogs**
- §2-105. Licensed Dogs**
- §2-106. Unlicensed Dogs**
- §2-107. Dangerous Dogs**
- §2-108. Penalties**

**PART 2**

**REGULATING THE KEEPING OF CERTAIN ANIMALS**

- §2-201. Definitions**
- §2-202. Certain Animals Prohibited**
- §2-203. Keeping of Animals Regulated**
- §2-204. Household Pets**
- §2-205. Violation of State Law**
- §2-206. Penalties**





**PART 1**

**PROHIBITING DOGS RUNNING AT LARGE**

**§2-101. Definitions.**

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

**OWNER** — when applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

**RUNNING AT LARGE** — being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(A.O.)

**§2-102. Appointment and Duties of Dog Warden.**

A dog warden shall be appointed by Borough Council to serve during its pleasure. Such dog warden shall have concurrent responsibility for the enforcement of this Part and of the Dog Law, 3 P.S. 459-101 et seq.; provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough.

(A.O.)

**§2-103. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough.

(A.O.)

**§2-104. Seizing of Dogs.**

The dog warden or any police officer or constable may seize any dog found at large in Borough. Such dogs are to be impounded in a licensed kennel.

(A.O.)

## ANIMALS

### **§2-105. Licensed Dogs.**

The Dog Warden shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with §302 of the Dog Law, 3 P.S. §459-302.

(A.O.)

### **§2-106. Unlicensed Dogs.**

Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with §303 of the Dog Law, 3 P.S. §459-303.

(A.O.)

### **§2-107. Dangerous Dogs.**

1. A dog determined to be dangerous under section 502-A of the Dog Law, 3 P.S. §459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. §459-501A et seq.
2. Dogs may be killed only in accordance with the requirements of section 501 of the Dog Law, 3 P.S. §459-501, and otherwise, said dogs must be detained and delivered to the police or a State dog warden. While detained, said dog must be treated in a humane manner.

(A.O.)

### **§2-108. Penalties.**

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time by resolution of the Borough Council.
2. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and cost, to a term of imprisonment not to exceed 30 days.

(A.O.)

**PART 2**

**REGULATING THE KEEPING OF CERTAIN ANIMALS**

**§2-201. Definitions.**

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

ANIMAL — any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL — any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET — any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL — any wild or domestic animal of the bovine, equine or sheep family.

PERSON — any person, firm, partnership, association or corporation.

SMALL ANIMAL — any wild or domestic animal such as a rabbit, hare, guinea, pig, rat, mouse or chinchilla, and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (except homing pigeons).

WILD ANIMAL — any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

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

(A.O.

**§2-202. Certain Animals Prohibited.**

It shall be unlawful for any person to keep any pig, hog or swine at any place within the Borough.

(A.O.

## ANIMALS

### **§2-203. Keeping of Animals Regulated.**

It shall be unlawful for any person to keep any domestic animal, except household pets, except as provided in this Section:

- A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling or of any property line.
- B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.
- C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.
- D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
- E. Every keeper of any animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(A.O.)

### **§2-204. Household Pets.**

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

- A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-203 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(A.O.)

**§2-205. Violation of State Law.**

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

(A.O.)

**§2-206. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 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.

(A.O.)



## **CHAPTER 3**

### **BICYCLES**

(Reserved to accommodate future enactments)





## **CHAPTER 4**

### **BUILDINGS**

(See Chapter 5, Code Enforcement)



## CHAPTER 5

### CODE ENFORCEMENT

#### PART 1

##### BOCA BASIC BUILDING CODE

- §5-101. Adoption of BOCA Basic Building Code
- §5-102. Amendments

#### PART 2

##### BOCA BASIC NATIONAL PLUMBING CODE

- §5-201. Adoption of Plumbing Code
- §5-202. Title and Scope
- §5-203. Administration and Enforcement
- §5-204. Provisions and Application
- §5-205. Certain Facilities
- §5-206. Licensing
- §5-207. Supervision by Licensed Master Plumber
- §5-208. Plumbers' Examining Board
- §5-209. Meetings of the Board
- §5-210. Standards and Procedures
- §5-211. Reexamination
- §5-212. Written Application
- §5-213. Bond
- §5-214. Expiration of License
- §5-215. Revocation of License
- §5-216. Prohibited Acts
- §5-217. Adoption of National Plumbing Code
- §5-218. Copies of Code to be Kept on File
- §5-219. Issuance of Permit
- §5-220. Single-Family Dwelling
- §5-221. Application for Permit
- §5-222. Schedule of Fees
- §5-223. Plans and Specifications
- §5-224. Exempted Repairs
- §5-225. Plumbing Inspector
- §5-226. Inspection
- §5-227. Penalty

**CODE ENFORCEMENT**

**PART 3**

**FIRE PREVENTION CODE**

- §5-301. Adoption of Fire Prevention Code**
- §5-302. Inconsistent Ordinances Repealed**
- §5-303. Additions, Insertions and Changes**
- §5-304. Establishment of Limits**
- §5-305. Penalty**

**PART 4**

**USE AND OCCUPANCY CERTIFICATE**

- §5-401. Definitions**
- §5-402. Certificate Required**
- §5-403. Certificate Contents and Responsibility for Obtaining**
- §5-404. Revocation**
- §5-405. Fees**
- §5-406. Deletion**
- §5-407. Violation and Penalties**

**PART 5**

**PENNSYLVANIA CONSTRUCTION CODE ACT**

- §5-501. Election to Enforce the Pennsylvania Construction Code Act**
- §5-502. Adoption of the Building Code**
- §5-503. Administration and Enforcement Provisions**
- §5-504. Building Code Board of Appeals**
- §5-505. Existing Ordinances**
- §5-506. Changes to the Code**
- §5-507. Fee Schedule**
- §5-508. Changes to the Amendable Sections of the Labor and Industry Regulations**
- §5-509. Inconsistent Ordinances Repealed**
- §5-510. Saving Clause**

**PART 6**

**INTERNATIONAL PROPERTY MAINTENANCE CODE**

- §5-601. Adoption of International Property Maintenance Code**
- §5-602. Amendments**

**PART 1**

**BOCA BASIC BUILDING CODE**

**§5-101. Adoption of BOCA Basic Building Code.**

The BOCA Basic Building Code/1990 of Building Officials and Code Administrators International, Inc., Eleventh Edition, copyright 1989 is hereby adopted as the Building Code of Richlandtown Borough for the control of buildings and housing and construction, alteration, extension, repair and maintenance and of all facilities and services in or about such buildings or housing, from the effective date of this Ordinance, except as provided in §5-102 hereof.

(Ord. 197, 2/11/1991, §1)

**§5-102. Amendments.**

1. Section 100.1 is hereby amended to read as follows:

**§100.1. Title.** These regulations shall be known as the Building Code of Richlandtown Borough hereinafter referred to as “this code.” They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined shall apply to existing or proposed buildings and structures in the Borough of Richlandtown; except as such matters are otherwise provided for in other ordinances or statutes.

2. Section 101.3 is hereby deleted in its entirety.

3. Section 103.4 is amended to read as follows:

**§103.4. Rehabilitation.** Buildings existing prior to the effective date of this Part in which there is work involving repairs, alterations, additions or changes of use, shall be made to conform to the code by applying the requirements of Article 32 or the provisions of Articles 2 through 31.

4. Section 109.2 is hereby amended to read as follows:

**§109.2. Appointment.** The Code Official shall be appointed by Borough Council and shall serve at the pleasure of Borough Council.

5. Section 109.5 is hereby amended to read as follows:

**§109.5. Restriction on Employees.** No official or employee connected with the Department of Building Inspection shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construc-

## CODE ENFORCEMENT

tion, alteration or maintenance of a building, or the preparation of plans or of specifications therefore, unless he is the owner of the buildings; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the department.

6. Section 109.8 is hereby added as follows:

**§109.8. Qualifications of Code Official.** To be eligible for appointment, the building official shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of service equipment necessary for the health safety and general welfare of the occupants.

7. Section 110.6 is hereby deleted in its entirety.

8. Section 110.8 is hereby amended to read as follows:

**§110.8. Annual Report.** At least annually, he shall submit to the Borough Council of the Borough a written statement of all permits and certificates issued, orders promulgated and materials approved.

9. Section 115.4 is hereby amended to read as follows:

**§115.4. General.** In the discharge of his duties, the Code Official shall have the authority to enter at any reasonable hour any building, structure or premises in the Borough for which a permit has been issued to enforce the provisions of this Code.

10. Section 112.4 is hereby amended to read as follows:

**§112.4. Signature to Permit.** The Building Official attach his signature to every permit.

11. Section 114.3 is hereby amended to read as follows:

**§118.3. New Construction and Alterations.** The fee for a building permit for construction, for removal of a building, for demolition of a building and for signs shall be based on a schedule of unit rates for buildings and structures of all use groups and types of construction, as established by resolution of Borough Council.

12. Section 114.3.1 is hereby deleted in its entirety.

13. Section 117.4 is hereby amended to read as follows:

**§117.4. Violations Penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved

plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a violation of this Part, punishable by a fine of not more than \$1,000 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

14. Section 118.2 is hereby amended to read as follows:

**§118.2. Unlawful Continuance.** Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$100 or more than \$500.

15. Sections 123.0 through 123.5.1, inclusive, are hereby deleted in their entirety.

16. Section 124.0 and all its subsections are hereby amended in their entirety to read as follows:

**§124.0. Means of Appeal.**

**§124.1. Application for Appeal.** The owner of a building or structure or any other person may appeal from a decision of the Building Official refusing to grant a modification to the provisions of this Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Board of Appeals. Application for appeal may be made by a letter in writing setting forth the basis for the appeal when it is claimed that: the true intent of this Code or the rules legally adapted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction can be used.

**§124.2. Membership of Board.** The Board of Appeals shall consist of all members of the Borough Council of Richlandtown Borough.

**§124.2.1. Chairman of the Board.** The same person who is President of the Borough Council of Richlandtown Borough shall serve as Chairman of the Board of Appeals herein created and such Chairman shall designate someone to serve as secretary of the Board who shall keep a detailed record of all proceedings of the Board.

**§124.3. Appeals Procedure.**

**§124.3.1. Upon the filing of an appeal wit the Board of Appeals, the Board shall fix a reasonable time for a public hearing thereon as follows:**

- A. At least 15 days prior to the date fixed for the public hearing, publish a notice describing the location of the building or lot, the general nature of the question involved and the time and place for the public hearing, in a news-

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paper of general circulation in the Borough in which the building or lot in question is located.

- B. Post, in a conspicuous place on the property involved, a notice of pending actions, such posting to take place at least 15 days prior to the public hearing.
- C. Give written notice to parties in interest, who shall be at least those persons whose properties adjoin or are across public roads from the property in question.

All hearings shall be public and the appellant, his representatives and the Building Official and his representatives and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

### **§124.4. Decision of the Board of Appeals.**

**§124.4.1. Action of the Board.** The Board shall affirm, modify or reverse the decision of the Building Official by a majority vote of the membership. Every action of the Board shall be by resolution and certified copies shall be furnished to the appellant and to the Building Official and to such other persons whose interests may be affected by the appeal and who have, at the hearing, requested to be given copies of the resolution.

**§124.4.2.** Should the vote of the Board be less than a majority in favor of modifying or reversing the decision of the Building Official, the vote shall be deemed a confirmation of the decision of the Building Official. A majority vote shall mean a vote of four votes whether or not all members of the Board are present at the hearing. Provided, however, that the appellant shall be entitled to a postponement of the hearing if a full Board is not present for the determination of the appeal.

**§124.5. Enforcement.** The Building Official shall take immediate action in accordance with the decision of the Board.

“Section 907.1. General. Walls shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall, and shall be constructed of solid concrete or concrete masonry block with a strength and fire resistance rating of at least that required by Table 401 and a fire resistance rating of at least that required by Table 907.1. Non load-bearing walls shall have a minimum thickness of eight inches and load-bearing walls shall have a minimum thickness of 10 inches. A minimum of eight inches of unpenetrated wall thickness shall be maintained in all fire walls and party walls.”

“Table 907.1. Fire and Party Wall Fire Resistance Ratings: shall now include all buildings and structures of Use Group U, Utility and Miscellaneous Uses, to have fire walls and party walls with a minimum fire resistance rating of two hours.”



“Section 907.4. Combustible Framing: In addition to the provisions of Section 1703.1.5.1, adjacent combustible members entering into a masonry fire wall or party wall from opposite sides shall not have less than a eight inch distance between embedded ends. Where combustible members frame into hollow walls or walls of hollow units, all hollow spaces shall be solidly filled for the full thickness of the wall for a distance not less than eight inches above, below and between the structural members, with noncombustible materials approved for firestopping in accordance with Section 921.0.”

“Section 907.6. Continuity of Walls: In all buildings or structures, fire walls and party walls shall be continuous from foundation to 16 inches above the finished roof surface. Fire walls shall be made smoke tight at their junction with exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing. At all off-sets, projections, eaves, and changes in wall or roof lines, where the concrete or concrete block cannot extend to provide protection, other approved materials with a fire resistive rating at least that of the fire wall or party wall shall be provided.”

SECTION V. Sections 907.6.1 and 907.6.2 of said BOCA CODE are hereby deleted in their entirety.

SECTION VI. Upon enactment of this Ordinance No. 000, letter (q) of Ordinance No. 197 is repealed in its entirety.

SECTION VII. In all other aspects the said Ordinance No. 197 and its amendments are hereby ratified and confirmed.

SECTION VIII. This Ordinance shall become effective immediately upon enactment.

(Ord. 197, 7/11/1991, §2; as amended by Ord. 231, 6/11/2001, §§I-IV)



## PART 2

### BOCA BASIC NATIONAL PLUMBING CODE

#### **§5-201. Adoption of Plumbing Code.**

A certain document, copies of which are on file at the Borough Hall, Richlandtown, Pennsylvania, being marked and designated as the BOCA Basic National Plumbing Code, Copyright 1984, by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the Borough of Richlandtown for the control of the installation, repair, and alteration of plumbing systems within all types of buildings, structures, and a dwellings within the Borough of Richlandtown; and each and all of the regulations, provisions, conditions, and terms of the said document are hereby referred to, be adopted, and made a part hereof, as if full set out in this Part.

(Ord. 134, 9/10/1973, §1; as amended by Ord. 173, 4/9/1984, §1)

#### **§5-202. Title and Scope.**

This Part shall be known as the National Plumbing Code Ordinance, may be so cited and will be referred to in this Part as the Code.

(Ord. 134, 9/10/1973, §2)

#### **§5-203. Administration and Enforcement.**

The administration and enforcement of this Part shall be the duty of the Plumbing Inspector who is hereby authorized to take such action as may be reasonably necessary to enforce the purposes of this Code. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this Code.

(Ord. 134, 9/10/1973, §3)

#### **§5-204. Provisions and Applications.**

The provisions of this Code shall apply to and govern plumbing as defined in this Code, including the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following; sanitary drainage or storm drainage facilities, the venting system, and the public or private water-supply systems, within or adjacent to any building or other structure, or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of the stormwater or sewage system of any premises to their connection with any point of public disposal or other terminal.

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(Ord. 134, 9/10/1973, §4)

### **§5-205. Certain Facilities.**

It is recognized that certain facilities in or adjacent to public streets are referred to in this Code only a portion of which is under the ownership or the control of the owner or occupant of the building or premises to which this Code applies.

(Ord. 134, 9/10/1973, §5)

### **§5-206. Licensing.**

No individual shall engage in the business of plumbing in the Borough of Richlandtown unless licensed as a master plumber under the provisions of this Code.

(Ord. 134, 9/10/1973, §6)

### **§5-207. Supervision by Licensed Master Plumber.**

No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering plumbing unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber.

(Ord. 134, 9/10/1973, §7)

### **§5-208. Plumber's Examining Board.**

There is hereby established a plumbers' examining board (hereinafter referred to as the Board) to consist of not fewer than five members. One member shall be a member of the Richland Township Board of Supervisors, one member shall be a resident of Richlandtown Township, one member shall be a member of the Richlandtown Borough Council, one member shall be a resident of Richlandtown Borough one member shall be a master plumber. The Borough Council shall appoint one of its members and another resident of the Borough to the Board, and shall appoint the master plumber jointly with the Richland Township Board of Supervisors, who shall likewise appoint two members to the Board.

(Ord. 134, 9/10/1973, §8)

**§5-209. Meetings of the Board.**

The Board shall hold its first meeting not later than 30 days following the adoption of this Part. Thereafter, the Board shall meet at such intervals as may be necessary for the proper performance of its duties, but in any case not less than twice a year.

(Ord. 134, 9/10/1973, §9)

**§5-210. Standards and Procedures.**

The Board shall establish standards and procedures for the qualification, examination and licensing of master plumbers, and shall issue an appropriate license to each person who meets the qualifications therefore and successfully passes the examination given by the Board. The Board shall keep an official record of all its transactions.

(Ord. 134, 9/10/1973, §10)

**§5-211. Reexamination.**

Any person who fails to pass an examination as prescribed by the Board may apply for reexamination after the expiration of 30 days upon payment of the regular examination fee.

(Ord. 134, 9/10/1973, §11)

**§5-212. Written Application.**

1. Any person desiring to be licensed as a master plumber shall make written application to the Board. Examinations to be scheduled at a set time and no examination fee is returnable. Examinations fees for master plumbers for residents, and for nonresidents, will be in an amount established by resolution of Borough Council.
2. The yearly cost for master plumbing registration for residents; and will be in an amount established by resolution of Borough Council for nonresidents. All plumbers living within the Quakertown School District area are to be considered resident plumbers.

(Ord. 134, 9/10/1973, §12; as amended by A.O.)

**§5-213. Bond.**

A person who has been issued a master plumber's license shall execute and deposit with the Borough Secretary, a bond in the sum of \$500, such bond to be conditioned that all

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plumbing work performed by the licensee or under his supervision shall be performed in accordance with the provisions of this Code and that he will pay all fines and penalties properly imposed upon him for violation of the provisions of this Code. A master plumber's license shall not be valid unless a bond is executed and deposited as herein provided.

(Ord. 134, 9/10/1973, §13)

### **§5-214. Expiration of License.**

All licenses issued by the Board shall expire on June 30 of each year but may be renewed upon payment of fees and posting of the bond as provided in §§5-212 and 5-213. Expired licenses may be renewed at the discretion of the examining Board upon payment of the penalty of \$5.

(Ord. 134, 9/10/1973, §14)

### **§5-215. Revocation of License.**

The Board may revoke any license if obtained through nondisclosure, misstatement or misrepresentation of a material fact, or if a penalty has been imposed on the licensee under the provisions of this Part. Before a license may be revoked, the licensee shall have noticed, in writing, enumerating the charges against him, and be entitled to a hearing by the Board not sooner than five days from receipt of the notice. The licensee shall be given an opportunity to present testimony, oral or written, and shall have the right to cross-examination. All testimony shall be given under oath. The Board shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses. The decision of the Board shall be based on the evidence produced at the hearing and made part of the record thereof. A person whose license has been revoked shall not be permitted to apply within one year from the date of revocation.

(Ord. 134, 9/10/1973, §15)

### **§5-216. Prohibited Acts.**

No person who has obtained a plumber's license shall allow his name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license. Every person licensed shall notify the Board of the address of his place of business, and the name under which such business is carried on and shall give immediate notice to the board of any change in either.

(Ord. 134, 9/10/1973, §16)

**§5-217. Adoption of National Plumbing Code.**

1. The National Plumbing Code is hereby adopted and all installations, repairs, and alterations of plumbing shall, from the effective date of this Part be performed in accordance with its provisions.
2. In the case of discretionary actions and determinations of the Plumbing Inspector, the relevant facts shall be considered and determinations made in the exercise of reasonable discretion by the Plumbing Inspector, and all such determinations shall be final in the absence of an abuse of discretion.

(Ord. 134, 9/10/1973, §17)

**§5-218. Copies of Code to be Kept on File.**

Three copies of the National Plumbing Code shall be kept on file in the Borough Hall for inspection by any use of the public and shall be marked with the words “Borough of Richlandtown Official Copy.”

(Ord. 134, 9/10/1973, §18)

**§5-219. Issuance of Permit.**

No plumbing work, unless excepted in this Section, shall be undertaken prior to the issuance of a permit therefore by the Plumbing Inspector. A permit shall be issued only to a licensed master plumber, except as provided in §5-220.

(Ord. 134, 9/10/1973, §19)

**§5-220. Single-Family Dwelling.**

Any permit required by this Code may be issued to any person to do any work regulated by this Code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such building, provided the person is the bona fide owner of such dwelling and that the same will be occupied by said owner and that said owner shall personally purchase all material and perform all labor in connection therewith.

(Ord. 134, 9/10/1973, §20)

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### **§5-221. Application for Permit.**

Application for permit shall be made on suitable forms provided by the Borough of Richlandtown. The application shall be accompanied by fees in accordance with the schedule of fees.

(Ord. 134, 9/10/1973, §21)

### **§5-222. Schedule of Fees.**

A schedule of fees is to be hereafter adopted by resolution of Borough Council and thereafter shall become a part of the Code.

(Ord. 134, 9/10/1973, §22)

### **§5-223. Plans and Specifications.**

No permit shall be issued until plans and specifications showing the proposed work in necessary detail have been submitted to the Plumbing Inspector and that he has determined from examination of such plans and specifications that they give assurance that the work will conform to the provisions of this Code. If a permit is denied, the applicant may submit revised plans and specifications without payment of additional fee. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change.

(Ord. 134, 9/10/1973, §23)

### **§5-224. Exempted Repairs.**

Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks, or replacement of defective faucets or valves may be made without a permit provided no changes are made in the piping to the fixtures, to the nearest fitting.

(Ord. 134, 9/10/1973, §24)

### **§5-225. Plumbing Inspector.**

It shall be the duty of the Plumbing Inspector to enforce the provisions of this Code and to make the inspections and test required thereunder.

(Ord. 134, 9/10/1973, §25)



**§5-226. Inspection.**

The Plumbing Inspector shall, after proper identification, have the right to enter any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health.

(Ord. 134, 9/10/1973, §26)

**§5-227. Penalty.**

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 less than \$100 nor more than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 134, 9/10/1973, §27; as amended by A.O.)



**PART 3**

**FIRE PREVENTION CODE**

**§5-301. Adoption of Fire Prevention Code.**

A certain document, one copy of which is on file in the office of the Borough of Richlandtown, being marked and designated as the “BOCA National Fire Prevention Code, Seventh Edition, 1991” as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the Borough of Richlandtown, in the Commonwealth of Pennsylvania, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part with the additions, insertions, deletions and changes, if any, prescribed in §5-303 of this Part.

(Ord. 198, 2/7/1991, §1)

**§5-302. Inconsistent Ordinances Repealed.**

Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 198, 2/7/1991, §2)

**§5-303. Additions, Insertions and Changes.**

The BOCA National Fire Prevention Code is amended and changed in the following respects: §F – 100-Insert Richlandtown Borough, Bucks County, Pennsylvania.

(Ord. 198, 2/7/1991, §3)

**§5-304. Establishment of Limits.**

The limits referred to in §F-2601.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting agents is prohibited are hereby established as the Borough Limits of the Borough of Richlandtown, Bucks County, Pennsylvania.

(Ord. 198, 2/7/1991, §4)

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### **§5-305. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 198, 2/7/1991; as added by A.O.)

**PART 4**

**USE AND OCCUPANCY CERTIFICATE**

**§5-401. Definitions.**

1. The words and terms used herein shall have the meanings given to them in the current edition of the BOCA National Building Code as most recently adopted by ordinance by the Borough of Richlandtown.
2. "Borough Building Codes" is defined to mean the current edition of the BOCA National Building Code as adopted by ordinance by the Borough of Richlandtown.

(Ord. 217, 12/8/1997, §I)

**§5-402. Certificate Required.**

No structure, building nor any part thereof nor any dwelling unit shall be used or occupied nor shall a change of ownership occur nor shall a change of a nonresidential tenant occur until a Use and Occupancy Certificate has been issued by Richlandtown Borough. The Borough shall, after application for such certificate has been made by the owner, the agent of the owner, or the prospective tenant of the premises to be occupied on forms provided for such purpose by the Borough, inspect the structure, building, or dwelling unit no later than 30 days prior to settlement or occupation of the premises pursuant to the following:

- A. General compliance with the provisions of the applicable Section(s) of the Borough Building Codes.
- B. All existing structures, buildings, or dwelling units shall be provided with a minimum of one single station smoke detector on each floor level, including basement. When actuated, the audible alarm of the smoke detector shall be of sufficient volume to be heard throughout the floor level on which the detector is located.
- C. All new structures, buildings, or dwelling units shall be provided with a smoke detection system meeting the requirements of the applicable Borough Building Codes. When actuated, the audible alarm of the smoke detection system shall meet the requirements of the applicable Borough Building Codes referencing decibel levels for smoke detection systems.
- D. All applicable Borough ordinances, rules or regulations.
- E. No Use and Occupancy Certificate shall be issued for the change of ownership, occupancy, tenant, or use of a nonresidential building or structure un-

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til all information, as requested within the application, has been received in writing and reviewed and approved by the Borough.

(Ord. 217, 12/8/1997, §II)

### **§5-403. Certificate Contents and Responsibility for Obtaining.**

The Use and Occupancy Certificate shall state the use to which the structure, building or dwelling unit is to be put. No structure, building nor any part thereof nor any dwelling unit shall be used or occupied nor shall a change of ownership occur, nor shall a change of nonresidential tenant occur, until a Use and Occupancy Certificate has been issued by Richlandtown Borough in accordance with this Part. It shall be the responsibility of any person or corporation who shall change the use of, sell or otherwise transfer ownership of any structure, building or residential dwelling unit or, in the case of the change of tenant of a nonresidential structure or building, to apply for and obtain the Use and Occupancy Certificate required by this Part prior to the transfer of ownership rights or any use or occupancy or change of use or occupancy of such premises; provided, however, that the failure on the part of such seller, transferor or owner to obtain such certificate shall not excuse the purchaser, transferee, or nonresidential tenant from the requirements of this Part.

(Ord. 217, 12/8/1997, §III)

### **§5-404. Revocation.**

Any Use and Occupancy Certificate issued hereunder may be revoked in the event that the structure, building, or dwelling unit is determined to be unsafe, uninhabitable, or that a condition exists that is in violation of any ordinance of the Borough or that the actual use is in violation of any ordinance of the Borough. In the event that the Use and Occupancy Certificate is issued subject to conditions, such Certificate may be revoked if the conditions remained unsatisfied within the time limit provided for at the time of issuance of the Certificate.

(Ord. 217, 12/8/1997, §IV)

### **§5-405. Fees.**

The applicant for a Use and Occupancy Certificate shall pay, at the time of application, a fee to the Borough in an amount established by a fee schedule which has been adopted by resolution by the Borough Council. Such fee shall be non-refundable in the event that the Borough shall not issue a Use and Occupancy Certificate after the required inspection.

(Ord. 217, 12/8/1997, §V)

**§5-406. Deletion.**

Selection 119 of the BOCA National Building Code/1990 or applicable Section of the Borough Building Code, as last amended, is hereby repealed in its entirety.

(Ord. 217, 12/8/1997, §VI)

**§5-407. Violations and Penalties.**

Any person, corporation, or association who or which shall occupy or use any structure, building, or dwelling unit without obtaining a Use and Occupancy Certificate or, who or which continues to occupy or use any structure, building, or dwelling unit following revocation of a previously issued Use and Occupancy Certificate shall be in violation of the Part and shall be subject to the payment of fines and penalties of not less than \$100 and not more than \$1,000 in addition to the cost of prosecution and collection, and, in default thereof, to imprisonment for a period not exceeding 30 days as provided by law. Each and every day that occupancy or use of any structure, building, or dwelling unit shall continue without the certificate required by this Part, after notice to cease and desist such occupancy or use shall have been given, shall constitute a separate offense and be punishable as such.

(Ord. 217, 12/8/1997, §VII)





**PART 5**

**PENNSYLVANIA CONSTRUCTION CODE ACT**

**§5-501. Election to Enforce the Pennsylvania Construction Code Act.**

Richlandtown Borough, Bucks County, Pennsylvania hereby elects to administrator 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.

(Ord. 241, 6/14/2004, §1)

**§5-502. Adoption of the Building Code.**

The Uniform Construction Code, contained within Title 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code for Richland Borough, Bucks County, Pennsylvania.

(Ord. 241, 6/14/2004, §2)

**§5-503. Administration and Enforcement Provisions.**

Administration and enforcement of the Code within Richlandtown Borough shall be undertaken, as determined by Council for Richlandtown Borough, Bucks County, Pennsylvania, in accordance with the regulations of the Pennsylvania Construction Code Act.

(Ord. 241, 6/14/2004, §3)

**§5-504. Building Code Board of Appeals.**

1. **Creation of Appeals Board.** A Building Code Board of Appeals (hereinafter “Appeals Board” is hereby established in conformity with the requirements of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103; §501.(c) and Title 34 Pa. Code, §403.121. The Appeals Board shall hear and rule on appeals, requests for variances and requests for extensions of time.
2. **Appointment of Members.** The Appeals Board shall consist of three members appointed by Council as follows: one member shall be appointed to serve a three year term; one member shall serve a two year term; and one member shall serve a one year term. After the initial appointments, each new member shall serve for three years or until a successor has been appointed.
3. **Qualifications of Members.** The members of the Appeals Board shall, in the discretion of Council, be qualified by training and experience to pass on matters per-

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taining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, or training or experience as an inspector or plan reviewer. No member of Council nor any Code Inspector employed by the Borough may serve on the Appeals Board. If Council is unable to find a sufficient number of qualified individuals who reside within the Borough, it may appoint a qualified person who resides outside of the Borough to fill a position.

4. **Alternate Members.** Council shall appoint two alternate members who shall be called by the Appeals Board Chairperson to hear appeals in the event of the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.
5. **Intergovernmental Cooperation.** Council is hereby authorized to enter into an intergovernmental cooperation agreement with one or more municipalities to create an Appeals Board.
6. **Chairperson and Secretary.** The Appeals Board shall annually select one of its members to serve as Chairperson and Secretary. The Secretary shall file a detailed record of all proceedings in the office of the Borough Secretary.
7. **Disqualification of Member.** A member of the Appeals Board shall not hear an appeal in which that member has any personal, professional or financial interest.
8. **Operation of Board of Appeals.** The procedure for conduct of hearing and notices of hearings, shall be established by resolution of Council and shall be consistent with Pennsylvania law and regulations of the Pennsylvania Department of Labor and Industry.

(Ord. 241, 6/14/2004, §4)

### **§5-505. Existing Ordinances.**

1. Ordinances and/or resolution or parts thereof which have previously been adopted by Richlandtown Borough on or before July 1, 1999, and which are equal to or exceed the requirements of the Code shall remain in full force and effect until such time as the provisions of these ordinances fail to equal or exceed the minimum requirements of the Code, as amended from time to time:
2. All ordinances and/or resolutions or parts thereof which have previously been adopted by Richlandtown Borough that are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All other ordinances, resolutions, regulations and policies of Richlandtown Borough not governed by the Code shall remain in full force and effect.

(Ord. 241, 6/14/2004, §5)

**§5-506. Changes to the Code.**

This Code may be changed and/or modified, by governing body of Richlandtown Borough in accordance with the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, §503.

(Ord. 217, 6/14/2004, §6)

**§5-507. Fee Schedule.**

A Fee Schedule assessable by Richlandtown Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council of Richlandtown Borough by resolution, from time to time.

(Ord. 241, 6/14/2004, §7)

**§5-508. Changes to the Amendable Sections of the Labor and Industry Regulations.**

In accordance with §403.102, (1) of Title 34, Part XIV, Chapter 403 the following regulations set forth in the Pennsylvania Code are amended as set forth below:

- A. Section 403.43(g); Delete the words “five years” and replace with the words “1 year.”
- B. Section 403.43 (h): The permit holder shall keep a copy of the permit on the work site until the completion of the construction or the issuance of a Use and Occupancy Permit, which ever comes later.
- C. Section 403.62.(c).(1).(xvii) is deleted in its entirety.
- D. Section 403.64.(d): Delete numbers 1 through 4 and replace with the following:
  - (1) Foundation Inspection.
  - (2) Wall Form Inspection.
  - (3) Backfill Inspection.
  - (4) Slab Inspection.

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- (5) Plumbing, Mechanical and Electrical System Inspection.
- (6) Frame and Masonry Inspection.
- (7) Wallboard Inspection.
- (8) Insulation Inspection.

E. 34 Pa Code 403.82 is hereby amended to read as follows:

A building code official shall follow the following procedures if an inspection of an occupied building reveals a violation of the Uniform Construction Code:

- (1) A construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.
- (2) The Building Code Official may issue a written notice of violations to the permit holder. The notice is to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the building code official. When a violation relates to an unsafe building, structure or equipment, a building code official shall act in accordance with §403.84 (relating to unsafe building, structure or equipment).
- (3) After the compliance date contained in the order, the building code official shall inspect the building, structure or equipment to determine whether the violation was corrected. The building code official shall close the order if the violation was corrected. The Building Code Official may issue an order to show cause under §403.83 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.

(Ord. 241, 6/14/2004, §8)

### **§5-509. Inconsistent Ordinances Repealed.**

All other ordinances and/or resolutions or parts thereof which are in conflict with this Part are hereby repealed.

(Ord. 241, 6/14/2004, §9)

### **§5-510. Saving Clause.**

Nothing in this Part or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or

any cause or causes of action acquired or existing, under any Act or Ordinance hereby repealed as cited in §5-509 of this Part; nor shall any just or legal right of remedy of any character be lost, impaired or affected by this Part.

(Ord. 241, 6/14/2004, §10)



**PART 6**

**INTERNATIONAL PROPERTY MAINTENANCE CODE**

**§5-601. Adoption of International Property Maintenance Code.**

The International Property Maintenance Code, 2003 edition, as published by the International Code Council (the Property Maintenance Code), be and is hereby adopted as the Property Maintenance Code of the Borough of Richlandtown, Bucks County, Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures. The Property Maintenance Code provides the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures. The Property Maintenance Code also provides for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Richlandtown are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in §5-602 of this Part.

(Ord. 243, 8/8/2005, § 1)

**§5-602. Amendments.**

The following sections are hereby revised:

1. §101.1. Insert: Richlandtown Borough
2. §103.5. Insert in place of existing language: Fees. The fees for the activities and services performed by the Borough in carrying out its responsibilities under the Property Maintenance Code shall be set forth in a separate resolution of the Board of Supervisors.
3. §304.14. Insert: In the locations where dates are to be inserted, insert "From April 15, to November 15."
4. §602.3. Insert: In the locations where dates are to be inserted, insert "From October 1, to May 1".
5. §602.4. Insert: Insert: In the locations where dates are to be inserted, insert "From October 1, to May 1."

(Ord. 243, 8/8/2005, § 2)





## **CHAPTER 6**

### **CONDUCT**

(Reserved to accommodate future enactments)



**CHAPTER 7**

**FIRE PREVENTION AND FIRE PROTECTION**

**PART 1**

**OPEN FIRES AND BURNING**

- §7-101. Prohibited Activities**
- §7-102. Procedures for Burning**
- §7-103. Limited Days for Burning**
- §7-104. Prohibited Materials**
- §7-105. Authorized Burning**
- §7-106. Prohibited Areas for Burning**
- §7-107. Appointment of Enforcement Officer**
- §7-108. Penalty**



**PART 1**

**OPEN FIRES AND BURNING**

**§7-101. Prohibited Activities.**

It shall be unlawful to ignite, feed or permit the maintenance of any fire which is not confined to a building except in accordance with the terms of this Part.

(Ord. 206, 11/8/1993, §1)

**§7-102. Procedures for Burning.**

All burning outside of buildings shall be done in a barrel or other receptacle made of metal or masonry, covered by heavy screen mesh of at least 14-gauge wire with holes larger than 1/4 inch, and with draft holes punched near the bottom. The screen mesh shall be weighted or hinged to prevent its falling or blowing off. The incineration container shall be set on the ground on a noncombustible surface which is in the center of a cleared circle with a diameter of no less than 10 feet.

(Ord. 206, 11/8/1993, §2)

**§7-103. Limited Days for Burning.**

Burning shall be limited to Tuesday, Thursday and Saturday and shall not take place on any other day and shall occur no earlier than 6:00 a.m. and no later than 5:00 p.m., prevailing times.

(Ord. 206, 11/8/1993, §3)

**§7-104. Prohibited Materials.**

In no event shall any of the following materials be burned; leaves, plastic, plastic or wax covered cartons, disposable diapers, any animal or vegetable matter resulting from handling, preparation, cooking or consumption of food, rags, clothes, leather, rubber, carpets, chemically treated wood or other similar materials, nor highly flammable or explosive substances.

(Ord. 206, 11/8/1993, §4)

## FIRE PREVENTION AND FIRE PROTECTION

### **§7-105. Authorized Burning.**

Notwithstanding the provisions of this Part, open fires may be set in the performance of the official duties of a public officer if fire is necessary for the prevention of a fire hazard which cannot be abated by other means, or for the protection of the public health.

(Ord. 206, 11/8/1993, §5)

### **§7-106. Prohibited Areas for Burning.**

In no event will any burning be permitted in any street or sidewalk.

(Ord. 206, 11/8/1993, §6)

### **§7-107. Appointment of Enforcement Officer.**

The Borough shall, by resolution, from time to time, appoint a person as enforcement officer who thereby shall have the authority to enforce the provisions of this Part.

(Ord. 206, 11/8/1993, §7)

### **§7-108. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 206, 11/8/1993, §8; as amended by A.O.)

**CHAPTER 8**  
**FLOODPLAINS**

(Reserved to accommodate future enactments)





## **CHAPTER 9**

### **GRADING AND EXCAVATING**

(Reserved to accommodate future enactments)



**CHAPTER 10**  
**HEALTH AND SAFETY**

**PART 1**

**NOXIOUS WEEDS**

- §10-101. Cutting of Noxious Weeds**
- §10-102. Definition**
- §10-103. Notice**
- §10-104. Service of Notice**
- §10-105. Remedies**
- §10-106. Penalty**

**PART 2**

**STORAGE OF DEFECTIVE MOTOR VEHICLES**

- §10-201. Definitions**
- §10-202. Maintaining Defective Motor Vehicles Prohibited**
- §10-203. Exclusions**
- §10-204. Storage of Defective Motor Vehicles Permitted**
- §10-205. Inspection of Premises; Notice to Comply**
- §10-206. Authority to Remedy Noncompliance**
- §10-207. Penalty**



**PART 1**

**NOXIOUS WEEDS**

**§10-101. Cutting of Noxious Weeds.**

From and after the passage of this Part, it shall be the duty of all owners, occupants, possessors or persons having charge of any land within the limits of the Borough of Richlandtown (hereinafter referred to as "owners") to cut all noxious weeds, as herein defined, on or before the 15th day of the months of June and August of each and every year hereafter.

(Ord. 149, 12/12/1977, §I)

**§10-102. Definition.**

For purposes of this Part, the term "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Finapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* L.) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) and any other plant or growth which is more than six inches in height on or before the dates hereinabove mentioned, and which growth or plant has not been planted or maintained for some useful or ornamental purpose. The aforesaid weeds, growth and vegetation are hereby declared to be detrimental to the health, safety, comfort and welfare of the inhabitants of the Borough of Richlandtown.

(Ord. 149, 12/12/1977, §II)

**§10-103. Notice.**

In the event that the owners of the premises as mentioned in §10-101 hereof shall fail to comply with the provisions of this Part within the time specified in §10-101 hereof, it shall be the duty of the Secretary or other person or persons hereafter designated by Council to notify in writing the aforesaid owners upon whose land such noxious weeds are found growing contrary to the terms hereof. The Notice shall be in substantially the following form:

**BOROUGH OF RICHLANDTOWN NOXIOUS WEED NOTICE**

To Owners, Occupants or Possessors of land known as:

Notice is hereby given that Noxious Weeds are found growing upon the above-described premises in the Borough of Richlandtown. These weeds shall be cut down in accordance with Ord. No. 149 enacted the 12th day of December, A.D., 1977, within five days from

## HEALTH AND SAFETY

the date of this notice. In the event that you fail or refuse to comply with this Notice, Borough workmen will enter upon your land and cut these weeds. The expense incurred by the Borough of Richlandtown in so cutting will be collected from you either by a lien or other manner provided by law. A penalty for failure to comply with this Notice in the amount of 10% of said expenses will be added and charged to you; in addition, failure to comply with this Notice will thereby subject you to a fine and penalty as provided in said Ordinance.

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Secretary

(Ord. 149, 12/12/1977, §III)

### **§10-104. Service of Notice.**

Such Notice shall be served personally or by Certified Mail on the owner or possessor of the land on which the said Noxious weeds are growing. Should there be no one in possession of the premises, and the address or whereabouts of the owner be unknown, service of the Notice shall be accomplished by posting the most public part of the premises with the Notice as stated in the previous Section for not less than five days. In the event that such persons shall fail to comply with the provisions of this Part within five days after service of Notice it shall be the duty of the Secretary or other person designated by Council to cause all of the noxious weeds on the premises to be cut down; the Secretary or other persons shall keep an accurate account of expenses incurred in carrying out the provisions of this Notice with respect to each parcel of land entered upon therefore, and shall certify such accounts to the Borough Council for payment out of General Borough Funds.

(Ord. 149, 12/12/1977, §IV)

### **§10-105. Remedies.**

It shall thereafter be the duty of the Borough Secretary or other person designated by the Borough Council to audit and compile all accounts so certified and paid and to add to each 10% of the total thereof, and to forward a statement of such account as so increased to the owner of the land on which the said noxious weeds were cut. Unless such statement is paid within 30 days from the date of its issue, the Borough Secretary or other person designated by Council shall refer the same to the Borough Solicitor for collection by action of assumpsit or by the filing of a municipal lien against the premises on which the weeds have been cut in any manner now or hereafter provided by law.

(Ord. 149, 12/12/1977, §V)

**§10-106. Penalty.**

In addition to the remedies hereinabove provided, any person who shall violate any of the provisions of this Part after notice to cut said weeds has been served in accordance herewith, shall upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$1,000 and costs of prosecution for every such offense, and in default thereof, may be confined in the Bucks County Prison for a period not to exceed 30 days.

(Ord. 149, 12/12/1977, §VI; as amended by A.O.)





**PART 2**

**STORAGE OF DEFECTIVE MOTOR VEHICLES**

**§10-201. Definitions.**

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

**MOTOR VEHICLE** — any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby, but shall not include trailers which are used for off-street storage which is otherwise lawful.

**OWNER** — the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

**PERSON** — a natural person, firm, partnership, association, corporation or other legal entity.

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

(Ord. 208, 9/12/1994, §1)

**§10-202. Maintaining Defective Motor Vehicles Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle which does not have current, valid registration and inspection stickers and which has any of the following defects upon the open private grounds of such person, owner or lessee or on public grounds within the Borough of Richlandtown. A motor vehicle defect shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harbor-age.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Missing tires resulting in unsafe suspension of the motor vehicle.
- E. Disassembled chassis parts apart from the motor vehicle stored in or on the vehicle.

## HEALTH AND SAFETY

- F. Protruding sharp objects from the chassis.
- G. Broken vehicle frame suspended from the ground in an unstable manner.
- H. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- I. Exposed battery containing acid.
- J. Damaged bumpers pulled away from the body of vehicle.
- K. Suspended on unstable supports.

(Ord. 208, 9/12/1994, §2)

### **§10-203. Exclusions.**

This Part shall not apply to any motor vehicle or trailer which has current, valid registration and inspection sticker, nor to any trailers used for storage of material which is otherwise lawful. Nor shall it apply to any motor vehicle or trailer which is on the premises of a commercial garage or commercial auto body shop for the purpose of repair or refurbishing.

(Ord. 208, 9/12/1994, §3)

### **§10-204. Storage of Defective Motor Vehicles Permitted.**

Any person, owner or lessee who has one or more defective motor vehicles as defined in §10-202 or one or more antique motor vehicles, classic vehicles or racing cars which are otherwise unlawful under §10-202, may store such vehicle(s) in the Borough of Richlandtown only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough of Richlandtown pursuant to a Resolution of the Borough Council of Richlandtown. Provided that all gas or other flammable liquid is removed from the motor vehicle and that it is kept free of vermin infestation while being stored; and provided grass or weeds are not permitted to grow around it to a height of 10 inches or more. Nothing herein shall be construed to permit the storage of defective motor vehicles contrary to the provisions of the Borough of Richlandtown Zoning Ordinance [Chapter 27].

(Ord. 208, 9/12/1994, §4)

**§10-205. Inspection of Premises; Notice to Comply.**

1. The Enforcement Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If he finds noncompliance with the provisions of this Part, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition complained of, and shall require the owner to remove or otherwise rectify the condition as set forth therein within 30 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice.

(Ord. 208, 9/12/1994, §5)

**§10-206. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice within the time limit prescribed, the Borough of Richlandtown shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough of Richlandtown in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 208, 9/12/1994, §6)

**§10-207. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 208, 9/12/1994, §7; as amended by A.O.)



**CHAPTER 11**

**HOUSING**

**PART 1**

**LANDLORD REPORTS**

- §11-101. Owner Reports**
- §11-102. Continuing Reports**
- §11-103. Forms**
- §11-104. Corporations**
- §11-105. Penalty**



**PART 1**

**LANDLORD REPORTS**

**§11-101. Owner Reports.**

Every owner of real estate located in the Borough of Richlandtown, all or a part of which is leased or rented to a tenant or tenants, is required to provide the Borough with the name and home address of each tenant occupying any part of the premises. Such reporting shall be made on or before December 1, 1990, and again on or before July 1, 1991, and on or before July 1st of each year thereafter, and shall report all tenants occupying the premises at the time that the reporting is made.

(Ord. 194, 9/10/1990, §1)

**§11-102. Continuing Reports.**

Commencing December 1, 1990, and thereafter, every owner of real estate in the Borough of Richlandtown, all or a part of which is leased or rented to a tenant or tenants, shall report to the Borough the fact that a tenant has moved from the owner's premises within 10 days after such move has occurred and shall report to the Borough the name and home address of every new tenant within 10 days after the new tenant has taken possession of the rented premises.

(Ord. 194, 9/10/1990, §2)

**§11-103. Forms.**

The reporting required by this Part shall be made to the Borough at the Borough Office and on forms to be obtained from the Borough, and shall be made as to each tenant whether or not related to the owner and whether or not rent is charged.

(Ord. 194, 9/10/1990, §3)

**§11-104. Corporations.**

When the owner of real estate subject to the provisions of this Part is a corporation, then the President and the Chief Executive Officer of the Corporation shall be the person required to make the reports mandated herein. When the owner of real estate subject to the provisions of this Part is a partnership or other entity, all of the partners or all of the members thereof shall be the persons required to make the reports mandated herein.

(Ord. 194, 9/10/1990, §4)

## HOUSING

### **§11-105. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 194, 9/10/1990, §5; as amended by A.O.)



## **CHAPTER 12**

### **LIBRARIES**

(Reserved to accommodate future enactments)



## CHAPTER 13

### LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

#### PART 1

##### TRANSIENT RETAIL BUSINESSES

- §13-101. Definitions
- §13-102. License Required; Conditions of Issuance; Fee
- §13-103. Exceptions
- §13-104. License Application
- §13-105. Issuance of License, Custody, Display and Exhibit
- §13-106. Prohibited Act
- §13-107. Supervision; Records and Reports
- §13-108. Denial, Suspension and Revocation of License; Appeal
- §13-109. Penalties

#### PART 2

##### SALE OF MOTOR VEHICLES AND GOODS ON PRIVATE PROPERTY

- §13-201. Definition and Interpretation
- §13-202. Sale of Motor Vehicles on Private Property within a Residential Zoning District
- §13-203. Sale of Goods on Private Property Used as a Residence in any Zoning District (i.e., Yard Sales)
- §13-204. Fee for Permit



**PART 1**

**TRANSIENT RETAIL BUSINESSES**

**§13-101. Definitions.**

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

LEGAL HOLIDAY — New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON — any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS –

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough.
  - B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for yearly holidays.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(A.O.)

**§13-102. License Required; Conditions of Issuance; Fee.**

No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Secretary a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount established, from time to time, by resolution of the Borough Council.

(A.O.)

**§13-103. Exceptions.**

1. No license fee shall be charged:
  - A. To farmers selling their own produce.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
  - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
  - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
  - E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
  - F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
  - G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Secretary and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Borough Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provision of this ordinance shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants. No person engaged in religious proselytizing, anonymous speech and/or the distribution of handbills shall be required to register or receive a permit.

(A.O.

**§13-104. License Application.**

Every person desiring a license under this ordinance shall first make application to the Borough Secretary for such license. He shall, when making such application, exhibit a valid license from any State or county officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.

(A.O.

**§13-105. Issuance of License; Custody, Display and Exhibit.**

Upon receipt of such application and the prescribed fee, the Borough Secretary, if he shall find such application in order, shall issue the license required under this ordinance. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Borough.

(A.O

**§13-106. Prohibited Act.**

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchan-

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

dise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 6:00 p.m. on any day of the week other than a Sunday or legal holiday.

(A.O.)

### **§13-107. Supervision; Records and Reports.**

The Borough Secretary shall supervise the activities of all persons holding licenses under this ordinance. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(A.O.)

### **§13-108. Denial, Suspension and Revocation of License; Appeal.**

The Borough Secretary is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(A.O.)

### **§13-109. Penalties.**

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 than \$1,000 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 ordinance continues shall constitute a separate offense.

(A.O.)



**PART 2**

**SALE OF MOTOR VEHICLES AND GOODS ON PRIVATE PROPERTY**

**§13-201. Definitions and Interpretation.**

The works and terms herein shall have the meanings given to them in the Richlandtown Borough Zoning Ordinance adopted by the Borough Council of Richlandtown Borough. The Zoning Officer appointed by the Richlandtown Borough Council shall interpret any discrepancies or words and terms not specifically identified within this Part.

(Ord. 230, 6/11/2001, §1)

**§13-202. Sale of Motor Vehicles on Private Property Within a Residential Zoning District.**

The sale of motor vehicles on private property within a residential zoning district shall be permitted and shall meet all the following conditions:

- A. The property owner or tenant of the property on which the vehicle is located or displayed shall be the registered owner of the vehicle.
- B. While being displayed the vehicle shall be located on an approved surface (i.e., bituminous paving, gravel pad or concrete pad) and shall not be placed within the right-of-way of any roadway within the Borough.
- C. The vehicle shall be located entirely on the property of the registered owner and shall be placed a minimum of 10 feet from any property line unless displayed within an existing driveway. May not be on sidewalk.
- D. Hours the vehicle shall be displayed for sale shall be limited to 8:00 a.m. to 6:00 p.m.
- E. The vehicle shall be displayed for sale for a maximum of 30 days.
- F. Within a single calendar year, any property within the Borough shall be limited to the display and/or sale of a single vehicle once every six months.

(Ord. 230, 6/11/2001, §2)

**§13-203. Sale of Goods on Private Property Used as a Residence in any Zoning District (i.e. Yard sales)**

The sale of goods on private property within a residential zoning district (i.e., yard sales) shall be permitted and shall meet all the following conditions:

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- A. It shall be unlawful for any individual or group to conduct within the Borough a yard sale without first obtaining a yard sale permit from the Borough.
- B. The property owner or tenants shall be the only person permitted to sell items at the property.
- C. Goods shall be located entirely outside of any occupiable area within the privacy structure located on the property and shall be placed a minimum of five feet from any property line.
- D. While being offered for sale the goods shall not be placed within the right-of-way of any roadway within the Borough.
- E. Within a single calendar year, any residential property within the Borough shall be limited to the sale of goods three times.
- F. Hours the goods shall be displayed for sale shall be limited to 8:00 a.m. to 3:00 p.m. Friday, Saturday and Sunday only.
- G. One sale is constitute as one Friday, Saturday and Sunday period.

(Ord. 230, 6/11/2001, §3; as amended by Ord. 233, 6/11/2001)

### **§13-204. Fee for Permit.**

- 1. The fee for the first permit issued to a household or group within any 12 month period shall be in an amount to the established by resolution of Borough Council [A.O.]
- 2. The fee for the second permit issued to a household group within the same 12 month period as the first permit, shall be in an amount to be established by resolution of Borough Council. [A.O.]
- 3. All permit fees shall be paid to the Borough prior to issuance of the permit.
- 4. Non-profit service organizations and charitable organizations may obtain up to two yard sale permits in any 12 month period without payment of fee.

(Ord. 230, 6/11/2001, §4; as amended by Ord. 233, 6/11/2001 and by A.O.)

**CHAPTER 14**

**MOBILE HOMES AND MOBILE HOME PARKS**

(Reserved to accommodate future enactments)



## CHAPTER 15

### MOTOR VEHICLES AND TRAFFIC

#### PART 1

##### GENERAL REGULATIONS

- §15-101. Definitions and Interpretation
- §15-102. Manner of Adopting Permanent Traffic and Parking Regulations
- §15-103. Provisions to be a Continuation of Existing Regulations
- §15-104. Temporary and Emergency Regulations
- §15-105. Experimental Regulations
- §15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events
- §15-107. Use of Streets by Processions and Assemblages
- §15-108. Authority of Police Officers
- §15-109. Authorization for Use of Speed Timing Devices

#### PART 2

##### TRAFFIC REGULATIONS

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**PART 1**

**GENERAL REGULATIONS**

**§15-101. Definitions and Interpretation.**

1. Words and phrases, when used in this ordinance, except for Sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa. C.S.A. §101 et seq., except that, in this ordinance, the word “street” may be used interchangeably with the word “highway,” and shall have the same meaning as the word “highway” as defined in the Vehicle Code.
2. The term “legal holidays” as used in this ordinance shall mean and include: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. In this ordinance, the singular shall include the plural; the plural shall include the singular, and the masculine shall include the feminine.

(A.O.)

**§15-102. Manner of Adopting Permanent Traffic and Parking Regulations.**

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this ordinance, except where the law specifically authorizes less formal action.

(A.O.)

**§15-103. Provisions to be Continuation of Existing Regulations.**

The provisions of this ordinance, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this ordinance, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this ordinance shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

(A.O.)

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### **§15-104. Temporary and Emergency Regulations.**

1. The [Designated Official] shall have the following powers to regulate traffic and parking temporarily and in the time of emergency:
  - A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
  - B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this ordinance for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this ordinance, to a fine of not more than \$25 together with costs of prosecution.

(A.O.)

### **§15-105. Experimental Regulations.**

The Borough may, from time to time by resolution, designate places upon and along the highways in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as is they had been specified in this ordinance. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this ordinance for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this ordinance, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this Section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

(A.O.)

**§15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.**

1. The Borough shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
2. The Borough shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-107. Use of Streets by Processions and Assemblages.**

1. For the purpose of this Section, the words “assemblage” and “procession” shall have the following meanings:

ASSEMBLAGE — a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION — group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the [Designated Official], which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.
3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the

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[Designated Official], which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

4. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

### **§15-108. Authority of Police Officers.**

The police officers of the Borough are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this ordinance.

(A.O.)

### **§15-109. Authorization for Use of Speed Timing Devices.**

1. The Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. §3368.
2. This Section authorizes the use of said devices upon all highways within the Borough, be the Borough, County or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. §6101 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(A.O.)

**PART 2**

**TRAFFIC REGULATIONS**

**§15-201. Maximum Speed Limits Established on Certain Streets.**

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies at a higher speed than the maximum prescribed for that part of the street:

<b>Street</b>	<b>Between</b>	<b>Maximum Speed Limit</b>
SR 09089	Sta. 161+21 to Sta. 178+11	35 mph
SR 09080	Sta. 0+00 to Sta. 22+03	35 mph
SR 386	Sta. 180+83 to Sta. 188+40	35 mph
SR 09085	Sta. 146+31 to Sta. 154+65	35 mph
SR 386	Sta. 161+50 to Sta. 169+20	35 mph
SR 386	Sta. 169+20 to Sta. 180+83	25 mph

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(A.O.)

**§15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.**

1. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure at a higher speed than the maximum prescribed for that bridge or elevated structure:

<b>Bridge or Elevated Structure</b>	<b>Location</b>	<b>Maximum Speed Limit</b>
	(Reserved)	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

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(A.O.)

**§15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.**

1. The following are declared to be hazardous grades and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this Section for that grade, and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
(Reserved)					

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 for each mile in excess of five miles per hour over the maximum speed limit.

(A.O.)

**§15-204. Maximum Speed Limits Established in Parks.**

1. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Borough, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
(Reserved)			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(A.O.)

**§15-205. Traffic Signals at Certain Locations.**

1. At the following locations traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

<b>Location</b>	<b>Type of Signal</b>
	(Reserved)

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-206. Intersections Where Turn Prohibited on Red Signal.**

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

<b>Intersection</b>	<b>Vehicles Traveling on</b>	<b>Facing</b>
	(Reserved)	

2. Any driver of a vehicle who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-207. One-Way Roadways Established.**

1. The following are established as one-way roadways, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Direction of Travel</b>
			(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

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**§15-208. Turning at Certain Intersections Prohibited or Restricted.**

1. It shall be unlawful for the driver of any vehicle of the type indicated traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this Section:

<b>Vehicles Traveling On</b>	<b>Direction of Travel</b>	<b>Not to Make Turn</b>	<b>Into</b>	<b>When</b>	<b>Type of Vehicle Applicable To</b>
(Reserved)					

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-209. Right Turns Prohibited at Certain Intersections.**

1. It shall be unlawful for the driver of any vehicle traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a left turn, at any time stated, both right turns and straight-across traffic being prohibited:

<b>Vehicles Travel- ing On</b>	<b>Direction of Travel</b>	<b>Times</b>	<b>Not to Make Right Turn Into or Travel Straight Across</b>
(Reserved)			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-210. U-turns Prohibited at Certain Locations.**

1. It shall be unlawful for the driver of any vehicle traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:



<b>Street</b>	<b>Portion</b>	<b>Direction of Travel</b>
	(Reserved)	

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-211. No Passing Zones Established.**

1. The following are established as no passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

<b>Street</b>	<b>Direction of Travel</b>	<b>Between</b>
		None

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-212. Through Highways Established.**

1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by 75 Pa.C.S.A. §§3323(b), 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

<b>Highway</b>	<b>Between</b>
	(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

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**§15-213. Stop Intersections Established.**

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by the Vehicle Code, 75 Pa.C.S.A. §3323(b), and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

<b>Stop Street</b>	<b>Intersecting or Through Street</b>	<b>Direction Of Travel</b>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-214. Yield Intersections Established.**

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by 75 Pa.C.S.A. §3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

<b>Yield Street</b>	<b>Through Street</b>	<b>Direction of Travel</b>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-215. Operation of Motor Vehicles Restricted on Public Lands.**

1. No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the Borough or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the [Designated Official] of the Borough.
2. Any person who violates an provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-216. Rotary Traffic Islands Established.**

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

**Location**

(Reserved)

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this Section and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

**§15-217. Play Highways Established And Authorized.**

1. The following areas upon the streets in the Borough are established as play highways:

<b>Street</b>	<b>Between</b>	<b>Days</b>	<b>Hours</b>
		None	

2. The [Designated Official] is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Borough where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the [Designated Official].
3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the [Designated Official] or of the police officer in

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charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.

**§15-218. Snowmobile Roads Designated.**

- 1. The following roads and streets within the Borough are designated as special snowmobile roads:

<b>Street or Road</b>	<b>Between</b>	<b>Used by Snowmobiles Only When Closed to Vehicular Traffic</b>	<b>Shared With Vehicular Traffic</b>
		(Reserved)	

- 2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Borough other than as provided above. Provided, nothing in this Section shall prohibit any person from operating a snowmobile on any other street in the Borough:

- A. As authorized by the Vehicle Code, 75 Pa.C.S.A. §7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.
- B. For special snowmobile events where authorized in advance and the street is blocked off as provided in the Vehicle Code, 75 Pa.C.S.A. §7723. Any person who violates any provision of this Section shall be subject to the penalties prescribed in §7752(a) of the Vehicle Code, 75 Pa.C.S.A. §7752(a).

(A.O.

**PART 3**

**RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**

**§15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.**

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<b>Street or Bridge</b>	<b>Between</b>	<b>Maximum Gross Weight</b>
	(Reserved)	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(A.O.)

**§15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.**

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A., it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street, as the case may be:

<b>Street or Bridge</b>	<b>Between</b>	<b>Restrictions</b>
	(Reserved)	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and Section 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(A.O.)

**§15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.**

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by §4902(b) of the Vehicle Code, 75 Pa.C.S.A, it shall be unlawful for any

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person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

<b>Street or Bridge</b>	<b>Between</b>	<b>Restrictions</b>
	(Reserved)	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

(A.O.)

**§15-304. Truck Traffic Restricted on Certain Streets.**

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

<b>Street</b>	<b>Between</b>
	(Reserved)

Provided: nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

**PART 4**

**GENERAL PARKING REGULATIONS**

**§15-401. Vehicles to be Parked Within Marked Spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

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**§15-402. Parking Prohibited at All Times in Certain Locations.**

Parking shall be prohibited at all times in the following locations:

<b>Street</b>	<b>Side</b>	<b>Between</b>
First Ave.	West/south	First Ave. which lies north of Walnut St.
Linda Ct.	East/north	First Ave. which lies north of Walnut St.
Main St.	East	Southerly boundary line of Richlandtown Borough and the intersection of Main St. with Church St.
North Main St.	West	63 feet from an alley of the Richland Feed Company, intersecting with said North Main St.

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**§15-403. Parking Prohibited in Certain Locations, Certain Days and Hours.**

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

<b>Street</b>	<b>Side</b>	<b>Between</b>	<b>Days</b>	<b>Hours</b>
		(Reserved)		

(A.O.)

MOTOR VEHICLES AND TRAFFIC

**§15-404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.**

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

<b>Street</b>	<b>Between</b>
	(Reserved)

(A.O.)

**§15-405. Parking Time Limited in Certain Locations Certain Days and Hours.**

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

<b>Street</b>	<b>Side</b>	<b>Between</b>	<b>Days</b>	<b>Hours</b>
		(Reserved)		

(A.O.)

**§15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.**

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked in any such zone except as specifically provided for that zone:

<b>Street</b>	<b>Side</b>	<b>Location</b>	<b>Authorized Purpose or Vehicle</b>
		(Reserved)	

(A.O.)

**§15-407. Standing or Parking on Roadway for Loading or Unloading.**

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Sat-



urday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

<b>Street</b>	<b>Side</b>	<b>Between</b>
	(Reserved)	

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**§15-408. Angle Parking Required on Portions of Certain Streets.**

1. Only angle parking shall be permitted on the following portions of streets:

<b>Street</b>	<b>Side</b>	<b>Between</b>
	(Reserved)	

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(A.O.

**§15-409. Residential Permit Parking.**

1. Findings and Purpose. The Borough finds that:

- A. Certain residential areas in the Borough are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.
- B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level.
- C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Borough considers it to be in the interest of the people of the Borough to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

2. Definitions. For the purpose of this Section, words and terms listed in this subsection, as follows, shall have the following meanings:

**COMMUTER VEHICLE** — a motor vehicle parked in a residential area by a person not a resident of that residential area.

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**PROPRIETOR** — a person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address. For the purpose of this Section, a proprietor shall be entitled to one parking permit for that business or professional office address.

**RESIDENT** — a person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

**RESIDENTIAL AREA** — a contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and non-business property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria. The residential areas designated in subsection 4 of this Section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:
  - A. During any period between the hours of 7:00 a.m., and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
  - B. During the same period as specified in subsection (A) above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

Provided: in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (1) The local and metropolitan needs with respect to clean air and environment.
- (2) The possibility of a reduction in total vehicle miles driven in the Borough.
- (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
- (4) The proximity of public transportation to the residential area.

- (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it.
- (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

4. Designation of Residential Permit Parking Areas. The following are designated as residential permit parking areas:

<b>Area</b>	<b>Bounded By and Including</b>
	(Reserved)

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

- 5. Application for Permit. Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the Borough, which shall be for the use of the [Municipality], to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
- 6. Issuance of Permit. Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number, and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.

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7. Temporary and Exemption Parking Permits. Temporary parking permits may be issued by the Chief of Police, upon payment of a fee in an amount as established by resolution of the Borough Council, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.
8. Responsibility of Permit Holder.
  - A. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
  - B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
  - C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.
  - D. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.
9. Revocation of Permits. The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to the present holder of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this Section. Provided, any person receiving such a notice may, within 10 days after the date of the notice, appeal to Borough for a hearing on the revocation, and the decision of Borough shall be final.

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**§15-410. Parking Prohibited on Portions of Certain Highways During Street Sweeping Hours.**

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between [ ] and [ ] on any of the following portions of the highways of the Borough on the days hereby respectively designated for street sweeping purposes.

<b>Street</b>	<b>Between</b>	<b>Day</b>
	(Reserved)	

(A.O.)

**§15-411. Penalties.**

Any person who violates any provision of this ordinance shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this ordinance indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this ordinance. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$ \_\_\_\_ within \_\_\_\_ hours after the time of the notice, or if he will place the sum of \$ \_\_\_\_ enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the [Municipality], that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

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**PART 5**

**ON-STREET METERED PARKING**

**§15-501. Parking Meter Zone Established.**

Parking meter zones are established upon and along certain streets in the Borough as follows:

Street	Between	Rate	Maximum Park- ing Time
		(Reserved)	

(A.O.)

**§15-502. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.**

Parking meters shall be operated by the deposit of a coin in the meter as prescribed by §15-505 of this Part, and the parking rates for specified lengths of time, as well as the maximum parking times prescribed in §15-501 of this Part, shall apply at all times between the hours of 9:00 a.m. and 6:00 p.m. Monday through Thursday and Saturday, and between the hours of 9:00 a.m. and 9:00 p.m. Friday, in the parking meter zones listed in §15-501 of this Part. Provided, however, the requirements of this ordinance as to parking time limits and as to deposit of coins in meters shall not apply on legal holidays.

(A.O.)

**§15-503. Placement and Characteristics of Parking Meters.**

Parking meters installed in the parking meter zones established by §15-501 of this Part shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in §15-504 of this Part. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Borough and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking, and, on the expiration of that period, shall indicate illegal parking or overparking.

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## MOTOR VEHICLES AND TRAFFIC

### **§15-504. Parked Vehicles to be Wholly Within Marked Spaces.**

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this ordinance for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that that vehicle is not wholly within the area designated by those lines or markings.

(A.O.)

### **§15-505. Coin Deposit in Meter; Overtime Parking Unlawful.**

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §15-502 of this Part, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for such length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this ordinance.

(A.O.)

### **§15-506. Unlawful to Deposit Substitute for Coin in Meter.**

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this ordinance any slug or other substitute for a coin of the United States of America.

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### **§15-507. Unlawful to Deposit Coin in Meter to Extend Parking Time Beyond Legal Limit.**

It shall be unlawful and a violation of this ordinance for any person to deposit or cause to be deposited, in any parking meter installed under the provisions of this ordinance any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking established for that parking zone.

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**§15-508. Unlawful to Remain Parked at Meter Showing Violation.**

It shall be unlawful, and a violation of this ordinance for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this ordinance when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

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**§15-509. Unlawful to Tamper With Meter.**

It shall be unlawful, and a violation of this ordinance, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the [Designated Official] of the Borough.

(A.O.)

**§15-510. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within [ ] Hours.**

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:
  - A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this ordinance.
  - B. The date and hour of the violation.
  - C. The license number of the vehicle.
  - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this ordinance, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the [Municipality], the sum of \$ \_\_\_\_ within \_\_\_\_ hours after the time of the notice, or will place the sum of \$ \_\_\_\_ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough within

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the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-511(1) of this Part.

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### **§15-511. Penalty for Violation.**

1. Any person who violates any provision of this ordinance, with the exception of §15-509 of this Part, and who fails to pay the fine set forth in §15-510 of this Part, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
2. Any person who violates any provision of §15-509 of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs, and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

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### **§15-512. Exceptions.**

1. By resolution, the Borough may temporarily suspend the provisions of this ordinance by requiring coin deposit in meters and establishing a maximum parking time at meters.
2. The Borough shall have authority to establish no parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this ordinance shall not apply in those areas where no-parking or special-purpose parking is in effect.

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**PART 6**

**OFF-STREET METERED PARKING**

**§15-601. Metered Parking Lots Established.**

1. The following are established as the metered parking lots established by this Borough:

<b>Lot</b>	<b>Location</b>	<b>Rate</b>	<b>Maximum Parking Time</b>	<b>Days in Operation</b>	<b>Hours in Operation</b>
(Reserved)					

2. Provided, the parking meters in the metered lots shall be in operation, the parking lots shall be open for parking and the provisions of this ordinance regulating the operation of parking meters and establishing parking time limits shall be in force on the days and between the hours prescribed on the individual lots. But, on Sundays and legal holidays, no parking time limit shall apply and the placing of coins in meters shall not be required.

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**§15-602. Placement and Characteristics of Parking Meters.**

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time established by §15-601 of this Part, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over parking.

(A.O.)

**§15-603. Reserved Parking Spaces for Handicapped May be Provided.**

The Borough, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this ordinance, for any person to park in any such reserved parking space any vehicle

## MOTOR VEHICLES AND TRAFFIC

unless that vehicle bears or displays either a “handicapped registration plate,” a “handicapped parking placard,” a “disabled veteran registration plate” or a “disabled veteran placard.”

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### **§15-604. Parked Vehicles to be Wholly Within Marked Spaces.**

Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this ordinance for any person:

- A. To park a vehicle across any such line or marking.
- B. To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings.
- C. To park a vehicle elsewhere in any such lot that in an individual parking space adjacent to a parking meter.

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### **§15-605. Manner of Parking at Meters.**

It shall be unlawful for any person to park a vehicle in any metered parking lot:

- A. Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle.
- B. With any part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

(A.O.

### **§15-606. Coin Deposit in Meter; Overtime Parking Unlawful.**

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for

such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this ordinance. Provided, every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this ordinance.

(A.O.)

**§15-607. Unlawful to Deposit Substitute for Coin in Meter.**

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this ordinance any slug or other substitute for a coin of the United States of America.

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**§15-608. Unlawful to Remain Parked at a Meter Showing Violation.**

It shall be unlawful, and a violation of this ordinance for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this ordinance when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins were deposited in that meter for the parking of that vehicle.

(A.O.)

**§15-609. Unlawful to Tamper With Meter.**

It shall be unlawful, and a violation of this ordinance, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the [Designated Official] or Borough.

(A.O.)

**§15-610. Metered Parking Lots for Certain Types of Vehicles Only.**

The metered parking lots established by this ordinance shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

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## MOTOR VEHICLES AND TRAFFIC

### **§15-611. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within [ ] Hours.**

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:
  - A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this ordinance.
  - B. The date and hour of the violation.
  - C. The license number of the vehicle.
  - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this ordinance, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of \$ \_\_\_\_ within \_\_\_\_ hours after the time of the notice, or will place the sum of \$ \_\_\_\_ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-612(1) of this Part.

(A.O.)

### **§15-612. Penalty for Violation.**

1. Any person who violates any provision of this ordinance, with the exception of §15-609 of this Part, and who fails to pay the fine set forth in §15-611 of this Part, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
2. Any person who violates any provision of §15-609 of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs, and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

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**PART 7**

**OFF-STREET UNMETERED PARKING**

**§15-701. Unmetered Parking Lot Established.**

The following are established as the unmetered parking lots operated by the Borough:

<b>Lot</b>	<b>Location</b>	<b>Rate</b>	<b>Maximum Parking Time</b>	<b>Days in Operation</b>	<b>Hours in Operation</b>
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(A.O.)

**§15-702. Reserved Parking Spaces for Handicapped May be Provided.**

The Borough, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this ordinance for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a “handicapped registration plate,” a “handicapped parking placard,” a “disabled veteran registration plate,” or a “disabled veteran placard.” Provided, all provisions requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

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**§15-703. Unlawful to Park Overtime or When Lot Closed.**

It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot:

- A. For longer than the maximum parking time prescribed by §15-701 of this Part.
- B. At any time when the lot is not in operation and is closed to public use.

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## MOTOR VEHICLES AND TRAFFIC

### **§15-704. Unmetered Lots for Certain Types of Vehicles.**

The unmetered parking lots established by §15-701 of this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

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### **§15-705. Manner of Parking.**

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

- A. To park a vehicle in a space not rented by him.
- B. To park a vehicle otherwise than as required by this Section.
- C. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

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### **§15-706. Parking on Rental Basis Only.**

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the Borough by a resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the [Designated Official] for the use of the Borough, and after the first month shall be automatically renewable until the renter notifies the Borough that he wishes to terminate the rental arrangements. At any time, however, the Borough may, by amending §15-701 of this Part, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the [Designated Official]. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the Borough at the rental space or shall be painted on the surface of that parking space.

(A.O.)



**§15-707. Penalty for Violation.**

Any person who violates any provision of this ordinance shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this ordinance, indicated, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and, any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this ordinance. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$ \_\_\_\_ within \_\_\_\_ hours after the time of the notice, or if he will place the sum of \$ \_\_\_\_ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(A.O.



**PART 8**

**REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES**

**§15-801. Applicability and Scope.**

This ordinance is enacted under authority of §6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. §6109(a)(22), and gives authority to the Borough of Richlandtown to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this ordinance. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Pennsylvania Vehicle Code.

(A.O.)

**§15-802. Authority to Remove and Impound.**

The Borough shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §15-801 of this Part. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this ordinance or the provisions of the Vehicle Code.

(A.O.)

**§15-803. Tow-Away Zones Designated.**

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Borough parking regulations:

Street	Side	Between	Parking Lot
		(Reserved)	

(A.O.)

**§15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage.**

Removal and impounding of vehicles under this ordinance shall be done only by “approved storage garages” that shall be designated from time to time by the Borough. Every such garage shall submit evidence to the Borough that it is bonded or has ac-

## MOTOR VEHICLES AND TRAFFIC

quired liability insurance in an amount satisfactory to the Borough as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Borough its schedule of charges for towing and storage of vehicles under this ordinance, and, when the schedule is approved by the Borough, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this ordinance by any approved storage garage. The Borough shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this ordinance.

(A.O.)

### **§15-805. Payment of Towing and Storage Charges.**

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this ordinance for which the vehicle was removed or impounded.

(A.O.)

### **§15-806. Reclamation Costs.**

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$25 fee of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(A.O.)

### **§15-807. Records of Vehicles Removed and Impounded.**

The Borough shall cause a record to be kept of all vehicles impounded under this ordinance and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(A.O.)

### **§15-808. Restrictions Upon Removal of Vehicles.**

No vehicle shall be removed under the authority of this ordinance or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(A.O.)

**§15-809. Penalty for Violation.**

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §§7301 et seq.

(A.O.)

**§15-810. Reports and Disposition of Unclaimed Vehicles.**

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, 75 Pa.C.S.A. §7311 by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code (75 Pa C.S.A. §§7301 et seq.).

(A.O.)



**PART 9**

**SNOW AND ICE EMERGENCY**

**§15-901. Declaration of Snow and Ice Emergency.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-903 of this Part, the [Designated Official], in his discretion, may declare a snow and ice emergency (designated in this Part as a “snow emergency”). Information on the existence of a snow emergency may be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(A.O.)

**§15-902. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency.**

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-903 of this Part.
- B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(A.O.)

**§15-903. Snow Emergency Routes Designated.**

The following are designated as snow emergency routes:

**Street**

Maple St.

1st Avenue north of Walnut St.

South Linda Court

North Linda Court

Linda Court

New Street

(A.O.)

## MOTOR VEHICLES AND TRAFFIC

### **§15-904. Penalty for Violation.**

1. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Ordinance and, upon conviction, shall be sentenced to pay a fine of not more than \$600 and costs.
  
2. If, at any time during a period of snow emergency declared under §15-901 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped all wheel drive, four wheel drive, front wheel drive, snow tires, chains or all-weather tires, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of \$600 and costs.

(A.O.



**PART 10**

**REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES**

**§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.**

- 1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the Borough:

<b>Street</b>	<b>Side</b>	<b>Between</b>
	(Reserved)	

- 2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(A.O.

**§15-1002. Restrictions on Use of Pushcarts.**

- 1. The word “pushcart,” as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
- 2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispenses under permit from the Borough as provided in subsection (3) below.
- 3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the Borough. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Borough set by the Borough by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the Borough that he shall be bound by the conditions imposed by Borough and made a part of the permit, dealing with the following matters:
  - A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location.
  - B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on.

## MOTOR VEHICLES AND TRAFFIC

- C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
4. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

### **§15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.**

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Borough, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §15-105 or §15-217 of this ordinance. Provided, nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
2. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:
  - A. Any street except in order to cross the roadway.
  - B. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(A.O.)

**PART 11**

**PEDESTRIAN REGULATIONS**

**§15-1101. Pedestrians to Obey Traffic-Control Signs.**

At all locations in the Borough where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §15-1102 of this Part, shall obey the directions of those traffic-control signals, as follows:

- A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;
- B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway;
- C. When facing a steady red signal, a pedestrian shall not enter the roadway.

(A.O.)

**§15-1102. Pedestrian-Control Signal Locations Established.**

1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

**Location**

(Reserved)

2. Every pedestrian facing a steady or flashing “Don’t Walk” signal shall obey the directions of that signal, as follows:
  - A. When facing a steady “Don’t Walk” signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the “Walk” signal should proceed to a sidewalk or safety zone while the “Don’t Walk” signal is showing.
  - B. When facing a flashing “Don’t Walk” signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the “Walk” indication should proceed to a sidewalk or safety zone.

Any pedestrian who fails to obey the directions of a “Don’t Walk” signal, as indicated above, shall be guilty of an offense and a violation of this Ordinance.

(A.O.)

MOTOR VEHICLES AND TRAFFIC

**§15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted.**

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

<b>Street</b>	<b>Intersection</b>	<b>Direction of Travel</b>
	(Reserved)	

(A.O.)

**§15-1104. Locations Where Pedestrians May Cross Only in Crosswalk.**

It shall be unlawful for any pedestrian:

- A. To cross any roadway in a business district within the Borough except in a crosswalk;
- B. To cross the roadway, in any of the following portions of streets in the Borough, except in a crosswalk:

<b>Street</b>	<b>Between</b>
	(Reserved)

Provided: nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §15-1102 of this Part.

(A.O.)

**§15-1105. Penalty for Violation.**

Any pedestrian who violates any provision of this ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(A.O.)

**CHAPTER 16**

**PARKS AND RECREATION**

(Reserved to accommodate future enactments)



**CHAPTER 17**

**PLANNED RESIDENTIAL DEVELOPMENT**

(Reserved to accommodate future enactments)





**CHAPTER 18**

**SEWERS AND SEWAGE DISPOSAL**

**PART 1**

**WASTEWATER INDUSTRIAL PRETREATMENT**

- §18-101. General Purposes**
- §18-102. Regulations**
- §18-103. Fees**
- §18-104. Administration**
- §18-105. Enforcement**
- §18-106. Administration of the Industrial Pretreatment Program**



**PART 1**

**WASTEWATER INDUSTRIAL PRETREATMENT**

**§18-101. General Purposes.**

1. Purpose and Objectives. The purpose of this Part is to enable the Borough of Richlandtown to comply with all the applicable State and Federal environmental laws regulating the collection and treatment of domestic and industrial waste as well as assist in assuring that both the Borough of Quakertown and BCWSA sewage treatment and collection systems are well operated. To this end, the Borough of Richlandtown reserves the right to condition or to refuse to accept industrial wastewater. The particular objectives of this ordinance are:
  - A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  - B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere, or otherwise be incompatible with the system;
  - C. To prevent the introduction of pollutants into the municipal wastewater system that could harm the collection system, the treatment plant, or the health, safety, and welfare of the plant personnel;
  - D. To prevent the introduction of clean water discharges into the municipal wastewater system that could interfere with the operation of the system, or consume the treatment plant capacity, or reduce the effectiveness of the treatment process;
  - E. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
  - F. To provide for the equitable distribution of costs for the implementation of the Borough of Quakertown's Industrial Pretreatment Program.

This Part provides for the regulation of certain contributors to the Borough of Quakertown municipal wastewater collection system through the issuance of permits to significant industrial users and through enforcement of general requirements for other users; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; required industrial user reporting; and assumes that existing customers capacity will not be preempted.

This Part shall apply to all users who reside in or discharge wastewater in the Borough of Richlandtown. Except as otherwise provided herein, the Borough of Quakertown shall administer, implement, and enforce the provisions of this Part.

## SEWERS AND SEWAGE DISPOSAL

Nothing contained in this Part shall be construed as preventing any special agreement or arrangement between the Borough of Quakertown and users, whereby a waste of unusual strength or character may be accepted by the Borough of Quakertown by special agreement, either verbal or written, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Borough of Quakertown and the Borough of Richlandtown. No such special agreement or arrangement, however, shall waive or abrogate any National Categorical Pretreatment Standard.

Notwithstanding any other provision to the contrary, nothing in this Part shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. §1251 et seq., the Clean Streams Law, 35 Pa. Stat. §691.1 et seq., and applicable regulations (e.g., 40 CFR Part 403, Title 25 Pa. Code) for the BOR to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the BOR maintains discretionary authority to undertake pretreatment activities beyond the minimum required.

2. Unless the context specifically indicates otherwise, the following terms and phrases as used in this ordinance shall have the meanings hereinafter designated:

ACT OF "THE ACT" — the Federal Water Pollution Control Act, also know as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

APPROVAL AUTHORITY — the Regional Administrator of Region III of the Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE OF THE USER –

A. If the User is a Corporation:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making function for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.

C. If the user is a Federal, State, local governmental facility or charitable organization: a director or highest official appointed or designated to oversee

the operation and performance of the activities of the government facility or charitable organization, or their designee.

- D. The individuals described in subsection (A) through (C) above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having the overall responsibility for environmental matters for the company, and the written authorization is submitted to the BOR.

BCWSA — Bucks County Water and Sewer Authority.

BIOCHEMICAL OXYGEN DEMAND OR BOD — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration (e.g., mg/l).

BOQ — the Borough of Quakertown, its elected and appointed officials and their deputies, and its agents and employees.

BOR — the Borough of Richlandtown, its elected and appointed officials and their deputies, its agents, employees, and the Borough of Quakertown, as hereinafter provided.

BOROUGH MANAGER OF QUAKERTOWN — the person duly appointed by BOQ Council to supervise the day to day operations of the BOQ and who is charged with certain duties and responsibilities by BOQ ordinance, or a duly authorized representative.

BUILDING SEWER OR LATERAL — a sewer conveying wastewater from the premises of a user to the POTW.

BY-PASS — the intentional diversion of wastestream from any portion of a user's treatment facility.

COMMERCIAL USER — a commercial source of indirect discharge that is not a source of industrial waste.

COMPOSITE SAMPLE — a combination of individual samples taken from a wastestream at selected intervals for some specified period of time having either equal volume or proportioned to the flow at the time of the sampling.

CONTROL AUTHORITY — the Borough of Quakertown

DEP — the Pennsylvania Department of Environmental Protection, or where appropriate it shall also mean any duly authorized official of said agency.

DIRECT DISCHARGE — the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

## SEWERS AND SEWAGE DISPOSAL

**DOMESTIC WASTE** — the normal waterborne or dissolved waste discharged by a residential household, as well as toilet or other like wastes discharged by any user.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)** — the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or duly authorized official of said agency.

**GENERAL PRETREATMENT REGULATIONS** — Title 40 Code of Federal Regulations Part 403.

**GRAB SAMPLE** — a sample which is taken from a wastestream on a onetime basis, without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

**INDIRECT DISCHARGE** — the discharge or the introduction of pollutants into the POTW, including holding tank waste discharged into the system, as outlined in 40 CFR 403.3 (g) and §307(b), (c) and (d) of the Act.

**INDUSTRIAL PRETREATMENT PROGRAM** — the program established by this ordinance and administered by the BOQ establishing rules and regulations for the BOR and for industrial users of the POTW, thereby enabling the BOQ and BOR to comply with the responsibilities of implementing General Pretreatment Regulations as required by the BOQ's NPDES permit.

**INDUSTRIAL USER** — an industrial waste source of indirect discharge.

**INDUSTRIAL WASTE** — any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources and which is discharged into the POTW; but not non-contact cooling water or domestic waste. Any wastewater which contains industrial waste and which is discharged from an industrial, manufacturing, trade or business premises is considered industrial waste for the purposes of this Part.

**INTERFERENCE** — the inhibition or disruption of the POTW treatment process or operations which may, but is not required to, contribute to a violation of the BOQ's NPDES permit. The term includes prevention of sewage sludge use, sludge processes, or disposal by the POTW in accordance with §405 of "the Act", (33 U.S.C. 1345), or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, or more stringent State criteria, including those contained in any sludge management plan prepared pursuant to Title IV of the SWDA applicable to the method of disposal or use employed by the POTW.

LOCAL LIMITS — numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged, or likely to be discharged, by industrial users, and which are developed by the BOQ.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD — any regulation containing pollutant discharge limits promulgated by the EPA in 40 CFR, Parts 401 to 471 and in accordance with §307 (b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific industrial category.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — a permit issued to the Control Authority pursuant to Section 402 of the Act (33 U.S.C. 1342).

NEW SOURCE –

- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. Construction on a site which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (A)(2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous on-site construction program

## SEWERS AND SEWAGE DISPOSAL

- (a) any placement, assembly, or installation of facilities or equipment; or
  - (b) significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contract which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**NONCOMPLIANCE** — any violation of pretreatment requirements or pretreatment standards including, but not limited to, limits, sampling, analysis, reporting, and adherence to compliance schedules and regulatory deadlines.

**NONCONTACT COOLING WATER** — water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**NORMAL PRODUCTION DAY** — for the purposes of sampling wastewater, a normal production day is that period of time during which wastewater is discharged and production, clean-up, and other activities that normally produce wastewater or industrial waste are occurring. If a sample is specified to be collected during a normal production day, it should not include aliquots taken during low wastestream flow periods that are not representative of normal activities, or during times when wastewater is not being discharged.

**PASS THROUGH** — a discharge which exits the POTW into waters of the State in quantities which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of POTW's NPDES permit including an increase in the magnitude and duration of the violation. Pass through may also be the concentration of pollutants in the sludge so that the end use of the sludge causes or contributes to pollution, harm to the environment, or a violation of any State or National sludge disposal regulation, guideline or standard.

**PERSON** — any individual, partnership, co-partnership, firm, charitable organization, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or any of the legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

**pH** — a measure of the acidity or alkalinity of a solution, expressed in standard units.



**POLLUTANT** — any dredged spoil, solid waste, liquid waste, gaseous waste, incinerator residue, sewage, garbage, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**POLLUTION** — the contamination of any waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

**PRETREATMENT OR TREATMENT** — the reduction of the amount of the pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by 40 CFR 403.6(d).

**PRETREATMENT COORDINATOR** — the person designated by the Superintendent or the Borough Manager as the person responsible for the day-to-day administration of the Industrial Pretreatment Program.

**PRETREATMENT REQUIREMENTS** — any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARDS OR STANDARDS** — pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

**PROHIBITED DISCHARGE** — any discharge that is prohibited by §18-102 of this Part.

**PROHIBITED DISCHARGE STANDARDS** — prohibitions and standards as provided in 40 CFR §403.5.

**POTW** — ‘treatment works’ as defined by §212 of the Act which may, but is not required to be, owned by the Borough of Quakertown. For the purposes of this Part, “POTW” consists of the sewage and wastewater collection system, treatment plant, pump stations and other ancillary facilities owned and operated by the Borough of Quakertown and BCWSA. This includes not only BOQ and BCWSA sewers, but any other sewers which, by agreement, or by order of other authority, discharge into the BOQ owned collection system or treatment plant.

## SEWERS AND SEWAGE DISPOSAL

SEWAGE COLLECTION SYSTEM — that part of the POTW, including, but not limited to, sewers and pipes that convey the discharged wastewater to the POTW.

SEWAGE TREATMENT PLANT — that portion of the POTW designated to provide treatment to wastewater.

SHALL — is mandatory; may is permissive.

SIGNIFICANT INDUSTRIAL USER –

- A. A user subject to categorical pretreatment standards; or
- B. A user that:
  - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater);
  - (2) Contributes a process wastestream which makes up 5% or more of the average dry weather organic capacity of the POTW treatment plant; or
  - (3) Is designated as such by the BOQ or BOR on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in Subsection (B) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the BOQ may at any time, on its own initiative or in response to a petition received from the user, and in accordance with procedures in 40 CFR §403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE — a user is in significant noncompliance if it meets one or more of the following criteria:

- A. Chronic Violations of Discharge Limits. Sixty-six percent or more of all the measurements taken in a six month period exceed the daily maximum limit or the average limit for the same pollutant parameter.
- B. Technical Review Criteria (TRC) Violations. Thirty-three percent or more of all measurements for each pollutant parameter taken in a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the TRC. The TRC for conventional pollutants = 1.4. The TRC for all other pollutants except pH = 1.2.
- C. Any violation of a effluent limit (daily maximum or longer term average) which the Control Authority determines has caused pass through or inter-

ference or which has endangered the health of workers or the general public.

- D. Any discharge which caused imminent endangerment to human health, welfare or the environment or which resulted in the POTW's exercise of its emergency powers.
- E. Failure to meet compliance schedule milestones or to attain final compliance within 90 days after the schedule date.
- F. Failure to submit required reports within 30 days of the due date.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

**SIGNIFICANT VIOLATOR** — an industrial user in significant noncompliance at any time during a calendar year.

**SLUG OR SLUG LOAD** — any prohibited discharge.

**SPILL** — any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, or the control or cleanup activities associated with such an occurrence; an accidental spill may result from the spilling, overflowing, rupture, or leakage of any storage, process or transfer container.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Budget and Management 1972.

**STATE** — the Commonwealth of Pennsylvania.

**STORMWATER** — any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT** — the person designated by the BOQ who is charged with certain duties and responsibilities, including, but not limited to, supervision of the day to day operations of the POTW, or his duly authorized representative or agent.

**SUSPENDED SOLIDS** — the total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

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**TOXIC POLLUTANTS** — any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of the Clean Water Act (307)(a) or other acts.

**UNAUTHORIZED DISCHARGE** — a discharge into the POTW of Industrial Waste or other matter which is not in accordance with the terms of this Part, an applicable Wastewater Discharge Permit, or the Industrial Pretreatment Program.

**USER** — any person who contributes, causes, or permits contribution of wastewater into the POTW.

**WASTEWATER** — the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WASTEWATER DISCHARGE PERMIT** — the permit issued by the BOQ authorizing discharge of industrial waste into the municipal wastewater system.

**WATERS OF THE STATE** — all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(Ord. 236, 10/14/2002, §301)

### **§18-102. Regulations.**

1. General. No user shall contribute or allow to be contributed, directly or indirectly, any pollutant or wastewater which will cause or contribute to interference or pass through. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to National Pretreatment Standards or any other national, State or local pretreatment requirements. A user may not contribute the following substances to the POTW:
  - A. Wastestreams.
    - (1) Wastestreams with a flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21;
    - (2) Liquids, solids, or gases such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides and sulfides, in quantities so as alone or by interaction with other substances, to cause or risk fire or explosion, or be injurious in any

other way to the POTW, the operation of the POTW, or to the POTW personnel:

- (3) Wastestreams that create either at the point of discharge or at any point in the system, a condition in which two successive readings on an explosion hazard meter are more than 5%, nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oils, mud, glass grinding or polishing wastes.
  - C. Wastewater containing hexane extractable material in amounts that will cause pass through or interference.
  - D. Any wastewater having a pH of less than 5.0 std. Units or more than 10.0 std. Units, or wastewater having any other corrosive property capable of causing damage or hazard to structure, equipment, and/or personnel of the POTW.
  - E. Any wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters or the POTW, or to exceed the limitation set forth in a National Categorical Pretreatment Standard.
  - F. Any substance which results in the formation or release of toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.
  - G. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewer for maintenance and repair.
  - H. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulation developed under §405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

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- I. Any substance which will alone or in conjunction with other substances cause the POTW to violate its NPDES Permit or the water quality standards of the receiving waters.
- J. Any wastewater with an objectionable color not removed in a treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- K. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- L. Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentrations which, either singly or by interaction with other pollutants, will cause interference to the POTW.
- M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Federal government, State, BOQ or BOR.
- N. Any wastewater which causes a hazard to human life or creates a public nuisance.
- O. Stormwater, groundwater, roof run-off, subsurface drainage, or non-contact cooling water.
- P. Hauled or trucked pollutants except at the Control Authority's designated point at the POTW where hauled or trucked wastewater may be discharged.
- Q. Any wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acids, or other persistent herbicides, pesticides or rodenticides.

Noncompliance with the above listed prohibited standards is enforceable under the provisions of this Part.

- 2. National Categorical Pretreatment Standards. If the Categorical Standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Part, then the Categorical Standards shall apply. The National Categorical Pretreatment Standards as set forth in 40 CFR Chapter I, Subchapter N, Parts 405 et seq. are hereby incorporated into the Industrial Pretreatment Program as program requirements for those industrial users subject to such categorical standards. Upon the promulgation of new National Categorical Pretreatment Standards that apply to an existing industrial user, the industrial

user so affected shall comply with the reporting requirements in §18-304(7) of this Part and the requirement of 40 CFR §403.12. If an existing industrial user not subject to a Wastewater Discharge Permit under this part becomes a Significant Industrial User because of a newly promulgated Categorical Standard, the industrial user shall also apply for a permit as provided in §18-304(1) of this Part.

3. Specific Pollutant Limitations. The BOR may establish, and review from time to time, local limits regulating the discharge of specific pollutants by industrial users. Local limits developed to prevent pass through or interference, or to implement prohibited discharge standards shall be developed by the BOQ.
  - A. Local limits may be established for any substance which is discharged, or is likely to be discharged, to the POTW.
  - B. Local limits may limit concentration, mass, or a combination of the two.
  - C. The procedure for the calculation of local limits may be as recommended by the approval authority or otherwise considered appropriate by the BOQ.
  - D. Local limits shall be calculated for pollutants, as deemed necessary, to prevent interference and pass-through. In addition, local limits may be calculated to prevent the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the POTW.
  - E. Local limits are applicable to all significant industrial users and may be included in wastewater discharge permits. Local limits may be applied to other industrial users if deemed appropriate by the BOQ or BOR.
  - F. Discharging any pollutant in excess of a local limit established for that pollutant shall constitute a violation of this ordinance.
4. Any user who is discharging industrial wastewater into the POTW with concentrations of pollutants higher than those listed below will, at the BOQ's discretion, either be required to pay a surcharge in addition to their regular sewer rate, or have to pretreat the wastewater to within acceptable limits.

Biochemical Oxygen Demand (BOD) 300 mg/l

Total Suspended Solids (TSS) 350 mg/l

Ammonia (NH<sub>3</sub>) 40 mg/l

Total Phosphorous (TP) 15 mg/l

When a user discharges any of the above-listed parameters in excess of the concentration indicated for that parameter, the sewer charge shall be calculated using the following formula:

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Sewer rate = regular sewer x surcharge factor.

The surcharge factor is calculated as follows:  $\text{Surcharge factor} = 0.25 + 0.15(\text{BOD} \div 300) + 0.25(\text{TSS} \div 350) + 0.1(\text{NH}_3 \div 40) + 0.25(\text{TP} \div 15)$

Where BOD is concentration of biochemical oxygen demand, TSS is the concentration of total suspended solids, etc. Where a pollutant concentration is less than the limitation listed above for that parameter, the number in parenthesis in the surcharge factor shall be equal to one.

5. **Right of Revision.** The Borough Manager or Superintendent or BOD may establish more stringent limitations or requirements for dischargers to the POTW if deemed necessary to comply with the objectives as stated in Chapter 18, §301 of the Code of Ordinances of the Borough of Quakertown. Such limitations or requirements shall become effective upon the amendment or revision of a Wastewater Discharge Permit, or upon publication of notice of such new limitations or requirements in a newspaper of general circulation in the Borough of Quakertown.
6. **Excessive Discharge.** No user shall, unless expressly authorized by an applicable standard or requirement, increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the BOQ, BOR, State or Federal agencies.
7. **Accidental Discharge.**
  - A. Each significant industrial user shall provide protection from discharges of spills and slug loads. Facilities and procedures to prevent discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. The BOQ shall evaluate each significant industrial user to determine whether protection from slug loads or spills of prohibited materials or other regulated substances must be provided. If the BOQ determines that the industrial user needs such facilities, it will so notify the industrial user, requiring the development and implementation of a spill control plan. No significant industrial user that commences contribution to the POTW after the date of adoption of this Part shall be permitted to introduce pollutants into the POTW until such an evaluation has been completed and, if required by the BOQ, a spill control plan has been developed and implemented. Existing industrial users will be re-evaluated from time to time and, if so notified by the BOQ, shall develop and implement a spill control plan as instructed and according to the schedule agreed to by the BOQ. Inspection of facilities, and approval of spill control plans and facilities by the BOQ shall not relieve the significant industrial user from the responsibility to modify its facility or plans as necessary to meet the requirements of this Part, nor shall it imply any warranty or determination regarding the appro-



priateness, efficacy, or safety of the plan or facilities on behalf of the BOQ or BOR.

- B. Any spill control plan developed by an industrial user shall include the elements itemized in 40 CFR §403.8(f)(2)(v)(A)-(D). In addition, the industrial user shall have permanently posted a notice to employees advising whom to call in the event of a spill or slug load, including the Superintendent, and listing the information required to be provided to the Superintendent in such event. The industrial user shall ensure that all employees are trained in the spill control plan and in emergency notification procedures.
  - C. In the event of any spill or slug load, as defined by this ordinance, the industrial user shall immediately notify the Superintendent, or his designated agent, by telephone, providing information regarding the nature, volume, and constituents of the spill or slug load, and providing notice, to the best of the industrial user's knowledge, of when the discharge commenced and when it will cease. Within five days of such an event, the industrial user shall provide to the BOQ a written report of the spill or slug load describing the cause, the nature, volume and constituents of the spill, the measures taken to mitigate any expense, loss, damage or other liability which might have been incurred as a result of the spill or slug load, and the measures the industrial user plans to take to prevent a reoccurrence of the incident. Such a report may be waived by the BOQ at the it's sole discretion, if the immediate telephone notice was provided and if the industrial user requests such a waiver, giving sufficient reason therefore.
  - D. In any case, the reporting of a spill or slug load to the BOQ shall not relieve the industrial user of any fines, civil penalties, or other liability which may arise or be imposed by this ordinance or any other applicable law.
8. Notification of the Discharge of Hazardous Wastes. Pursuant to 40 CFR 403.12(p), industrial users shall notify the Borough of Quakertown, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User.
- A. an identification of the hazardous constituents contained in the wastes
  - B. an estimation of the mass and concentration of such constituents in the wastestream discharged during the following 12 months.

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- C. an estimation of the mass of constituents in the wastestream expected to be discharged during the calendar month.

All notifications must take place as provided by 40 CFR Section 403.12(p). Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted as provided in this Part.

The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e). Discharges are exempt from the requirements of paragraph (1) of 40 CFR 403.12(p) if, during a calendar month, they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30(d) and §261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under paragraph (p) of 40 CFR 403.12, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

9. Unauthorized Discharges. Except as otherwise provided in §18-105(A)(1) of this Part, discharge of any prohibited substances listed under subsection A of this Section or in violation of applicable Local Limits or Categorical Standards shall be an Unauthorized Discharge and the BOR may take whatever steps necessary to halt such a Discharge or to seek penalties therefore as set forth in §18-105 of this Part.

(Ord. 236, 10/14/2002, §302)

### **§18-103. Fees.**

1. It is the purpose of this Section to provide that the Borough of Quakertown and Borough of Richlandtown may recover costs for the implementation of the program established herein. The applicable charges or fees shall be set forth in the

Borough of Quakertown or Borough of Richlandtown's Schedule of Charges and Fees.

2. Charges and Fees. The Borough of Richlandtown and the Borough of Quakertown may adopt and impose on users in the Borough of Richlandtown, charges and fees which may include but not be limited to:
  - A. Fees for reimbursement of the costs of setting up and operating the pre-treatment program.
  - B. Fees for monitoring, inspections, and surveillance procedures.
  - C. Fees for reviewing accidental discharge procedures and construction.
  - D. Fees for permit applications.
  - E. Fees for filing appeals.
  - F. Fees for consistent removal by the sewage treatment plant of pollutants otherwise subject to Federal pretreatment standards.
  - G. Fees for responding to accidental discharges and emergencies resulting from discharges in violation of the Wastewater Discharge Permit and this Part.
  - H. Other fees the Borough of Quakertown or Borough of Richlandtown may deem necessary to carry out the requirements contained herein.
3. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the Borough of Quakertown or the Borough of Richlandtown.

(Ord. 236, 10/14/2002, §303)

#### **§18-104. Administration.**

1. Industrial Users. All significant industrial users proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. Whenever an existing industrial user becomes a significant industrial user, but has not previously submitted an application for a Wastewater Discharge Permit, the user shall do so as soon as it knows that it is or will be a significant industrial user. Discharge of industrial wastes by a significant industrial user without a valid Wastewater Discharge Permit is an unauthorized discharge and a violation of this Part, and the BOR may take such action as allowed by law, including the blockage or severance of the connection between the user's building sewer and the POTW collection system, to exclude the unauthorized discharge from the POTW. Industrial users that are not classified as significant industrial users may discharge industrial wastes without a Permit, but must

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comply with all other provisions of this Ordinance, including but not limited to the wastewater quality requirements established by §18-102 and the reporting requirements of subsection (8).

2. Permit Application. An industrial user required to obtain a Wastewater Discharge Permit shall complete and file with the Borough of Quakertown an application in the form prescribed by the Borough of Quakertown, accompanied by the required fee. In support of the application, the industrial user shall submit in units and terms appropriate for evaluation, the following information as requested by the Borough of Quakertown:
  - A. Name, address and location of the facility (if it is a different from the mailing address).
  - B. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
  - C. Wastewater constituents and characteristics, as requested by the Borough of Quakertown, for a particular applicant. Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to §304(g) of the Act, and contained in 40 CFR, Part 136 as amended.
  - D. Time and duration of contribution.
  - E. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any.
  - F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
  - G. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
  - H. The nature and concentration of any pollutants in the discharge which are limited by the Borough of Quakertown, Borough of Richlandtown, State, or Federal pretreatment requirements or standards; and a statement regarding whether or not pretreatment requirements and standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment requirements and standards.
  - I. If additional pretreatment and/or O&M will be required to meet any pretreatment requirements and standards, the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable standard if the standard is a Categorical Standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans completing final plans, executing permits for major components, commencing construction).
  - (2) No increments referred to in subsection (1) shall exceed nine months.
  - (3) No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for the delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- J. Each product by type, amount, process or processes and rate of production.
  - K. Type and amount of raw materials processed (average and maximum per day).
  - L. Number and type of employees, the hours of plant operation, and the proposed or actual hours or pretreatment system operation.
  - M. Any other information as may be deemed by the Borough of Quakertown to be necessary to evaluate the permit application.

The Borough of Quakertown will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Borough of Quakertown may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

3. Permit Modifications and Suspensions. The wastewater discharge permit may be modified or suspended for any good cause including, but not limited to the following:
  - A. To incorporate any new or revised Federal or State standards or pretreatment requirements;
  - B. Material or substantial alterations or additions to the permittee's operation processes;
  - C. Changes in the discharge volume or character;

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- D. Violation of any terms or conditions of the permit;
  - E. Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts in the permit application or in any required reporting;
  - F. Changes in the design or capability of the POTW;
  - G. Amendments to the Borough of Richlandtown's Sewer Use Ordinance or any Interjurisdictional Agreements governing the BOQ's Industrial Pretreatment Program;
  - H. Upon request of the permittee, provided the Borough of Quakertown agrees to any request by the permittee and such a request does not create a violation of any applicable requirements, standards, laws, or rules, and regulation. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
4. Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this part and all other applicable regulations, user charges, and fees established by the Borough of Quakertown and the Borough of Richlandtown. Permits may contain any of the following conditions and/or restrictions:
- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a collection system.
  - B. Limits on the average and maximum wastewater constituents and characteristics.
  - C. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - D. Requirements for installation and maintenance of inspection and sampling facilities.
  - E. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent accidental, unanticipated, or nonroutine discharges.
  - F. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
  - G. Compliance schedules and related progress reports.
  - H. Requirements for submission of required reports.

- I. Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three years. Records retention may be longer than three years at the request of the Borough of Quakertown or the Borough of Richlandtown during litigation involving the pretreatment program.
- J. Requirements for advance notification of the Borough of Quakertown or the Borough of Richlandtown of any new introduction of wastewater constituents, of any change in the discharge of hazardous wastes, or of any substantial change in the volume or character of the wastewater constituents being introduced into the system.
- K. Requirements for notification of spill and slug discharges in accordance with §18-102(8).
- L. Statement of duration.
- M. Statement of non-transferability.
- N. Statement of applicable civil and criminal penalties for violation of pretreatment requirements and standards.
- O. Other conditions as deemed necessary by the Borough of Quakertown or Borough of Richlandtown to ensure compliance with this part.

A Wastewater Discharge Permit, in addition to implementing requirements as mandated by the General Pretreatment Regulations and the Industrial Pretreatment Program approved by the Approval Authority, may be a means for the BOR to implement other requirements. Implementation and enforcement of such additional provisions shall be at the discretion of the BOR and shall not be subject to the review of the Approval Authority.

- 5. Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year, or may be stated to expire on a specific date. A permitted user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the users existing permit. The terms and conditions of the users permit may be subject to modification by the Borough of Quakertown during the term of the permit, as limitations or requirements as identified in §18-104 of this part are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance unless a specified time frame is expressly authorized by an applicable standard or requirement.
- 6. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Borough of Quakertown. Any suc-

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ceeding owner shall also comply with the terms and conditions of the existing permit.

7. Permit Reporting Requirements. The provisions of the subsection G apply to industrial users that are, or that become subject to National Categorical Pretreatment Standards. In the case that an industrial user becomes subject to categorical standards through means of promulgation of a new categorical standard, or due to changes in the user's processes, the following reporting requirements apply. In addition, the user may be subject to the provisions of Sections (1)(2)(6) and (8) of this Section.
  - A. Compliance Data Report. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant user subject to categorical pretreatment standards shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process(es) which are limited by the categorical pretreatment standards. The report shall state whether the applicable categorical pretreatment standards are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the significant user into compliance with the applicable categorical pretreatment standards. This statement shall be signed by an authorized representative of the significant user and certified by a qualified professional engineer registered in the Commonwealth of Pennsylvania.
  - B. Periodic Compliance Report. In the case that the Borough of Quakertown does not conduct semi-annual sampling of a significant industrial user's discharge, the reporting requirements of 40 CFR §403.12(e) and (h) are applicable, and such a significant industrial user shall provide self-monitoring reports as are required by the regulations. When the Borough of Quakertown conducts all industrial waste sampling, industrial users are not required to submit semi-annual reports unless otherwise notified by the Borough of Quakertown.
  - C. Baseline Monitoring Reports (BMR's). All significant users subject to Categorical Pretreatment Standards must submit a Baseline Monitoring Report (BMR) to the Control Authority. The purpose of the BMR is to provide information to the Control Authority to document the significant users compliance with a Categorical Pretreatment Standard prior to commencement of discharge. As required by 40 CFR §403.12(b), BMR's must be submitted to the Control Authority within 180 days after the effective date of a Categorical Pretreatment Standard or 180 days after the final administrative decision made upon a category determination request [40 CFR §403.6(a)(4)], whichever is later. A BMR must contain the information specified in 40 CFR §403.12(b).



- D. Signatory Requirement. As specified in 40 CFR §403.12(1) reports on compliance with categorical deadlines, periodic compliance reports, and BMR's must be signed by an appropriate official and must contain the certification statement specified in 40 CFR §403.6(a)(2)(ii) which states:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

8. Change in Operations.

- A. Any industrial user contemplating or planning a substantial change in the manufacturing process, raw materials, auxiliary processes, pretreatment processes or other changes which may result in substantial changes to wastewater character, composition, volume or rate of flow, shall notify the Borough of Quakertown in writing at least 30 days prior to making such a change, or, if the change is not planned 30 days or more in advance, immediately upon the decision to make such a change. If a change in wastewater characteristics occurs without the knowledge of the industrial user, the industrial user shall report the change immediately upon becoming aware of it. The report shall include all information necessary to determine the effect on the wastewater of the change. The Borough of Quakertown may require the industrial user to undertake a compatibility study to demonstrate to the satisfaction of the Borough of Quakertown that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the Borough of Quakertown (including sludge disposal requirements) and will not otherwise adversely affect the POTW.
- B. The Borough of Quakertown may, on receipt of such a report:
- (1) Continue an existing wastewater discharge permit in effect;
  - (2) Require application for a new wastewater discharge permit;
  - (3) Modify an existing wastewater discharge permit to reflect the changed nature of the waste;
  - (4) Rescind and re-issue an existing wastewater discharge permit in order to make substantial changes in wastewater discharge permit conditions;
  - (5) Revoke an existing wastewater discharge permit or require the industrial user to cease or prevent the discharge; or

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- (6) Take such other action as it deems appropriate.
9. **Monitoring Facilities.** The Borough of Quakertown shall determine whether an industrial user shall place a monitoring facility on its building sewer line. Any required monitoring facilities shall be provided, constructed, and operated by the industrial user at its expense. The monitoring facilities shall meet all the Borough of Quakertown's requirements and comply with all the applicable building, plumbing, and electrical codes. Upon notice of the Borough of Quakertown to do so, industrial users shall have 90 days to construct and equip the required facilities. There shall be ample room in and near each sampling manhole or facility to allow accurate sampling and sampling preparation for analysis. The facility and all related equipment shall at all times be maintained by the industrial user in a safe and proper operating condition.
10. **Inspection and Sampling.** Maintaining a source or potential source of indirect discharge is governed by the Clean Water Act and the Pennsylvania Clean Streams Law, and therefore is an activity that may affect the public health and welfare if not conducted according to the provisions of the applicable statutes, this Part, and the rules adopted hereunder. Accordingly, the BOR asserts its right to inspect at reasonable times the premises of any industrial users that is a source or potential source of indirect discharge and to take samples and measurements, all for the purposes of ascertaining compliance with the provisions of the Industrial Pretreatment Program. The maintenance of a source of indirect discharge within the BOR shall be deemed a regulated activity subject to the following rules.
  - A. The Borough of Richlandtown or Superintendent may inspect the facilities of any industrial user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Owners or occupants of premises where industrial wastewater is created or discharged shall allow the Borough of Quakertown's representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, including the copying thereof, or in the performance of any of their duties. The Borough of Quakertown, Borough of Richlandtown, EPA, and DEP shall have the right to set up on the users property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the Borough of Quakertown, Borough of Richlandtown, DEP, and EPA will be permitted to enter without delay, for the purpose of performing their specific responsibilities.
  - B. Industrial users classified as significant industrial users shall be inspected by the Superintendent a minimum of one time per year and sampled a minimum of one time per year. Under the terms and conditions of the wastewater discharge permit issued to significant industrial user, the Su-

perintendent may establish a schedule under which the SIU may self-monitor their wastewater discharge and report the results of such self-monitoring programs on dates or intervals as specified by the Superintendent. If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the Borough of Quakertown monitors at the user's facility at least once a month, or if the Borough of Quakertown samples between the user's initial sampling and when the user receives the results of the sampling. The user samples shall be "representative" samples taken during a "normal production day." Sampling and analysis of samples shall be in accordance with 40 CFR Part 136 and any amendments thereto. Costs of sampling and analysis shall be borne by the user.

11. Pretreatment.

- A. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any equipment of facilities required to pretreat wastewater to a level acceptable to the Borough of Quakertown and Borough of Richlandtown shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough of Quakertown for review and shall be acceptable to the Borough of Quakertown before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve an industrial user from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Borough of Quakertown and the Borough of Richlandtown under the provisions of this Part, nor does it imply any warranty or determination regarding the appropriateness, efficacy, or safety of the plans, facilities, or procedures by the Borough of Quakertown or Borough of Richlandtown. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Borough of Quakertown prior to the user's initiation of the changes.
- B. Grease, oil, or sand interceptors shall be provided when, in the opinion of the Borough of Quakertown or BCWSA, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, or any flammable waste, sand, or other harmful ingredients, except such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Borough of Quakertown or BCWSA and shall be located as to be readily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible

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for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Borough of Quakertown and BCWSA. Any removal and hauling of the collected materials not performed by the owner's (owners') personnel must be performed by properly licensed waste disposal firms. All records relating to compliance with the pretreatment requirements and standards shall be made available to officials of the Borough of Richlandtown, Borough of Quakertown, DEP or EPA upon request.

12. **Significant Noncompliance and Significant Violators.** Significant noncompliance for significant industrial users will be calculated by the BOR on a "rolling quarter" basis, using procedures as recommended by the EPA. The BOR will annually publish in the largest daily newspaper published in the BOR a list of significant violators. The BOR may publish a list of significant violators more frequently, at the discretion of the BOR.
13. **Confidential Information.** Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public of other governmental agencies without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Borough of Quakertown or Borough of Richlandtown that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the industrial user. When requested by the person furnishing a report, those portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this Part, the National Pollutant Discharge Elimination System Permit, and/or the pretreatment program. Any such portions of a report shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
14. **Special Agreements and/or Waiver of Pretreatment Requirements.** Nothing contained in this Part shall be construed as prohibiting special agreements between the BOR and a person discharging industrial wastes or wastewaters to the sewer system, or for the BOR to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the BOR, are present, provided, however, that:
  - A. National Categorical Pretreatment Standards and Prohibited Discharge Standards (including the general and specific prohibitions set forth at 40 CFR §§403.5(a) and (b)) shall not be waived, unless such waiver is granted by mechanisms established under the Federal Pretreatment Regulations (40 CFR 403 et seq); and
  - B. In no case shall a special agreement or waiver of local limits allow for an industrial user to discharge any pollutant which, alone or in combination

with other regulated industrial user discharges, would reasonably be expected to exceed any mass based Local Limits. The BOR may consider other factors (e.g., effect of the discharge on the POTW, future expansion, etc.), as it deems appropriate. In no event shall any special agreement or waiver allow the sum of the loadings allocated to Industrial Users to exceed the values set forth in any local limits analysis submitted by the BOQ to EPA and approved by EPA as part of the industrial pretreatment program.

- C. The BOR may require an industrial user requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the industrial user cannot reasonably expect to meet the effluent limitation contained in its Wastewater Discharge Permit, setting forth an expeditious schedule for achieving compliance with such limitations, and including such other information as the BOR may require. In granting any special agreement or waiver the BOR may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving compliance. In granting any special agreement or waiver, the BOR may impose any other conditions deemed necessary to implement the purposes of this Part.
- D. If granting a special agreement or waiver would result in increased costs to the BOR (e.g., treatment, monitoring, sludge disposal costs), the BOR may condition the special agreement or waiver upon the agreement of the Industrial User to pay those costs, and to provide security adequate in the judgment of the BOR to assure payment of said costs.

(Ord. 236, 10/14/2002, §304)

### **§18-105. Enforcement.**

#### 1. Administrative Enforcement Remedies.

##### A. Legal Action.

- (1) If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this Part, Federal or State pretreatment standards or requirements, or any order of the Borough of Richlandtown, or violates any other provision of this Part or Wastewater Discharge Permit conditions, the Borough of Quakertown on behalf of the Borough of Richlandtown, may commence an action of the type listed herein, or may take any action for which it has been empowered under State law, for appropriate relief in any court of competent jurisdiction.
- (2) The Borough of Quakertown or Borough of Richlandtown may develop guidelines for the enforcement of this Part and applicable industrial user permit conditions in the form of an enforcement response guide,

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which may be updated or amended from time to time as is necessary. Such guidelines shall not be mandatory and shall not serve to limit the enforcement options available to the Borough of Quakertown or the Borough of Richlandtown for any violation of the pretreatment program.

- B. Notification of Violation. Whenever it is determined by the Borough of Quakertown that any industrial user has violated or is violating this Part, wastewater discharge permit or order issued hereunder, the Borough Manager of Quakertown or his agent may serve upon said industrial user written notice of the violation. The notice of violation may require a response to be submitted to the Borough of Quakertown within a specified time period to be determined by the Borough of Quakertown. This response may include, but not be limited to, an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Response to a notice of violations in no way relieves the industrial user of liability for any violation occurring before or after receipt of the Notice of Violation.
- C. Compliance Agreements. The Borough Manager is hereby empowered to enter into agreements with industrial users for the purpose of assuring timely compliance with the provisions of the Industrial Pretreatment Program. Such agreements shall not replace an applicable Wastewater Discharge Permit, but may serve to modify the terms of such a permit regarding schedules of compliance of other actions by the industrial user necessary to meet the pretreatment requirements. No such agreement shall serve to modify the provisions of a pretreatment standard so as to make such provisions less stringent. The provisions of such an agreement shall not serve to abrogate the rights of the BOR to seek appropriate penalties for noncompliance should the Industrial User fail to meet the terms and conditions of the agreement, but the BOR may agree not to seek such additional penalties if the terms of the agreement are met.
- D. Show Cause Hearing. The Borough of Quakertown or Borough of Richlandtown may order any industrial user which causes or contributes to a violation of this ordinance or wastewater discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the meeting. Such notice may be served on any principal executive, general partner, or corporate officer.
- E. Suspension of Wastewater Discharge Permit.
  - (1) The Control Authority may suspend a user's wastewater discharge permit whenever such suspension is necessary in order to stop an ac-

tual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW, or causes the Borough of Quakertown to violate any condition of its NPDES permit.

- (2) Any person notified of a suspension of his wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Control Authority may take steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to and individuals.
- (3) Upon proof of the elimination of the noncomplying discharger by the user, payment of any damages, fines, penalties, or costs associated with the noncompliance, and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, the Control Authority, at its discretion, may reinstate the user's wastewater discharge permit or keep it in suspension for good cause.

F. Revocation of Permit. Any user is subject to revocation of a permit granted hereunder for violation of applicable State and/or Federal regulations, conditions of this ordinance, or by reason of the commission of any of the following acts:

- (1) Violation of the conditions of the permit.
- (2) Failure to report significant changes in operations or wastewater constituents or characteristics.
- (3) Refusal to permit reasonable access to the premises for inspection and monitoring.
- (4) Failure to report factually the wastewater constituents and characteristics of its discharge.

Upon revocation of a user's wastewater discharge permit, the user's right to discharge industrial waste ceases and subsequent discharge of industrial waste may result in such action as the Borough of Richlandtown or Control Authority deems appropriate, including severance or plugging of the user's building sewer at the point of connection to the POTW.

## 2. Judicial Remedies.

A. The BOR may proceed in equity in a court of competent jurisdiction against any user who has violated or may violate any provision of this Ordinance, or the provisions of the Industrial Pretreatment Program including any Permit

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issued hereunder, seeking appropriate relief therefore. In such an action, the BOR may also seek to recover such damages as it suffered due to the violations, including but not limited to costs of investigation, monitoring, remediation, or treatment of nonconforming wastes; civil or criminal costs, fines, or penalties imposed on the BOR by EPA, the Pennsylvania DEP or any court or tribunal; and damage to person or property.

### B. Violations.

- (1) Any user who violates any provision of this Part, or the terms and conditions of any Wastewater Discharge Permit issued hereunder, shall be subject to a civil penalty of not more than \$1,000 for each such offense. Each day in which an offense occurs shall be a separate offense. When the offense is the violation of a discharge limit expressed as an average, each day in the averaging period may be, at the discretion of the court, considered as a separate offense. A proceeding under this Section shall not act as a bar to a simultaneous proceeding in equity before the same tribunal for the same offense, nor to other actions of the BOR under this Part.
- (2) The Borough of Richlandtown or the Borough of Quakertown, when acting on behalf of the Borough of Richlandtown, may recover reasonable attorneys fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.
- (3) In determining the amount of civil liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions taken by the user, the compliance history of the user, and any other factors as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a user.

### C. Remedies.

- (1) Any person alleged to have knowingly violated an order of the Borough of Richlandtown, whether issued by the Borough of Richlandtown or the Borough of Quakertown, or to have knowingly failed to comply with any provision of this Part or the orders, rules, regulations and permits issued hereunder shall be subject to prosecution and upon conviction thereof, shall be subject to a fine of up to but not more than \$1,000 for each offense. Each day on which a violation occurs or continues to occur shall be deemed to be a separate and distinct offense.



- (2) Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part shall be subject to prosecution or other legal action as provided herein or as otherwise may be provided by local and/or State and Federal law.
  - D. In addition to civil and criminal liability, the industrial user violating any of the provisions of this Part, wastewater discharge permit, or any other pretreatment standard or requirement, or causing damage to or otherwise adversely affecting the operation of the Borough of Quakertown POTW shall be liable to the Borough of Quakertown for any expense, loss, or damage caused by such violation or discharge. The Borough of Quakertown shall bill the industrial user for the costs incurred by the Borough of Quakertown for any cleaning, repair, monitoring, sampling, supervision or replacement work caused by violations or discharge. Refusal to pay the assessed costs shall constitute a separate violation of the Borough of Quakertown Sewer User Ordinance.
  - E. The remedies provided for in this Part are not exclusive. The Borough of Richlandtown and Borough of Quakertown may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Borough of Quakertown's Enforcement Response Plan. However, the Borough of Quakertown or Borough of Richlandtown may take any action against user when the circumstances warrant. Further, the Borough of Quakertown and the Borough of Richlandtown are empowered to take more than one enforcement action against any noncompliant user.
3. Right of Appeal.
- A. Industrial users may appeal to the Control Authority the terms or conditions of a Wastewater Discharge Permit; the denial of issuance of a Wastewater Discharge Permit; the revocation or suspension of a Wastewater Discharge Permit or a notice of violation. An appeal is subject to the following requirements.
    - (1) The appeal must be made in writing to the Control Authority.
    - (2) The appeal must be served on the Control Authority within 30 calendar days from the date of the industrial user's receipt of notice of the action being appealed.
    - (3) The appeal must state the specific provision(s) of a wastewater discharge permit or the specific direction or actions of the Control Authority which are being contested.

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- (4) The appeal must state the reasons for the appeal of each provision, direction or action.
  - (5) The appeal may suggest alternate or revised provisions or actions to replace those appealed.
  - (6) An appeal of a wastewater discharge permit may include a request to stay specific permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such request.
- B. Provisions specifically mandated by Federal or State regulations (e.g., compliance with categorical standards) shall not be appealed. Conditions which, in the opinion of the Borough of Quakertown or Borough of Richlandtown, would constitute a hazard or pose a potential threat of pollution if stayed, shall not be stayed during an appeal.
- C. An appeal shall be made to the Control Authority, and shall be reviewed by any designated representative(s) of the Control Authority, provided that the representative shall not be the pretreatment coordinator. The representative may make a decision on a request for a stay of permit conditions, granting, granting with conditions, or denying such a request, pending the hearing of the appeal, and such decision constitutes final agency action on the matter.
- D. The representative(s) reviewing the appeal shall report in writing to the Control Authority the results of the review. The report should contain, at a minimum:
- (1) A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
  - (2) The finding of merit (i.e., that the appeal has merit or does not have merit) for each point, and the reason(s) for so finding.
  - (3) For each point found to be with merit, a proposed remedy, and a determination that the proposed remedy is allowable under this Part and all applicable Federal, State and local rules, regulations and laws.
- E. The Control Authority, or a board appointed by the Control Authority, shall review the report and, at one or more regular or special public meetings, take testimony offered by the appellant or his agent, the reviewer, the pretreatment coordinator, the Superintendent, the Borough Manager, or other interested party. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 PaC.S section 551 et seq. Within 15 days of the conclusion of the hearing the Control Authority, or the board ap-

pointed by Control Authority, shall render its decision. Such a decision by the Control Authority or its appointed Board constitutes final agency action.

- F. If the Control Authority, or any hearing board appointed by the Control Authority shall have as a member any person who has financial, legal or other proprietary interest in the industrial user bringing the appeal, such person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.
- G. An action of the Control Authority for which administrative review had been available under this section shall not be subject to administrative or judicial review in any proceeding for enforcement.

(Ord. 236, 10/14/2002, §305)

**§18-106. Administration of the Industrial Pretreatment Program.**

- 1. Appointment of Borough of Quakertown as Agent.
  - A. The Borough of Richlandtown appoints and Borough of Quakertown as its express and exclusive agent of the purposes of administering and enforcing the Industrial Pretreatment Program established by this Part. All reports an applications required by the Part to be submitted by industrial users shall be submitted to the Borough of Quakertown. The Borough of Quakertown is hereby authorized to develop all procedures for inspecting users, reporting issuing Wastewater Discharge Permits, reviewing pretreatment facility plans, and otherwise administering all of the provisions of this Part and the Industrial Pretreatment Program. Local limits developed by the Borough of Quakertown shall be adopted as local limits authorized by this Part and applied to such Industrial Users as authorized by this Part.
  - B. All administrative enforcement actions, as set forth in this Section of this Part or as otherwise allowed by law, may be taken by the Borough of Quakertown, acting as an agent of the Borough of Richlandtown. This includes, but is not limited to, issuance of written directions and notices of violation; the scheduling and hearing of Show Cause Hearings; and the suspension or revocation of Wastewater Discharge Permits. As specified in this Section of this Part, the appeal of an action of either the BOR or BOQ by an industrial user shall be heard by the Borough of Quakertown following the procedures provided in the Borough of Quakertown Pretreatment Ordinance. Administrative decisions by the Borough of Quakertown regarding the Industrial Pretreatment Program are deemed to be decisions by the Borough of Richlandtown.
  - C. This appointment may be revoked only upon the amendment of this Part by majority vote of the Borough Council of the Borough of Richlandtown at a duly scheduled and publicly advertised regular or special public meeting.

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Such revocation shall not occur unless notice of such revocation is given to the Borough of Quakertown at least 180 days in advance of such revocation becoming effective.

2. Authorization of Borough of Quakertown to Act in the Name of the Borough of Richlandtown.
  - A. All enforcement procedures authorized by this Part, including the assessment and collection of monetary penalties and actions brought in the courts for legal or equitable relief, may be undertaken by the Borough of Quakertown without prior consultation with the Borough of Richlandtown, and the Borough of Quakertown shall in such instances be authorized to act for and in the name of the Borough of Richlandtown. It is the intent of the Borough Council of the Borough of Richlandtown that the Industrial Pretreatment Program be fully and completely administered and enforced by the Borough of Quakertown and that all actions taken by the Borough of Quakertown in administering and enforcing this Part are action on behalf of the Borough of Richlandtown and may be taken in the name of the Borough of Richlandtown without prior notification of or approval by the Borough of Richlandtown.
  - B. This authorization may be revoked only upon the amendment of this Part by majority vote of the Borough Council of the Borough of Richlandtown at a duly scheduled and publicly advertised regular or special public meeting. Such revocation shall not occur unless notice of such revocation is given to the Borough of Quakertown at least 90 days in advance of such revocation becoming effective.
3. Information to be Shared with the Borough of Quakertown. Information acquired by the Borough of Richlandtown which pertains to the provisions of the Industrial Pretreatment Program shall be provided to the Borough of Quakertown in a timely manner. Such information shall include, but not be limited to:
  - A. Information regarding new industrial users or changes in use of existing users.
  - B. Information pertaining to the quality, quantity, or rate of flow discharges.
  - C. Information regarding violations of this Part or any of its provisions, or of the Industrial Pretreatment Program.
4. Actions to be Taken in Support of Borough of Quakertown in Administration and Enforcement. The Borough of Richlandtown may provide such services as may be required or requested in aid of the administration or enforcement of the provisions of the Industrial Pretreatment Program. Such aid and assistance may include, but not be limited to, assistance in obtaining information, record keeping, sampling, inspection or enforcement.

5. Reservation of Rights by the Borough of Richlandtown. Notwithstanding the above, the Borough of Richlandtown retains the right to monitor compliance with and to enforce the provisions of this Part. When so notified by the Borough of Richlandtown, users shall provide to the Borough of Richlandtown such information and reports as are required by this Part or the permits, notices or orders issued thereunder. The Borough of Richlandtown may take such administrative or enforcement actions as it deems necessary in accordance with the provisions of this Part, provided, however, that such actions shall not be undertaken which nullify, overturn, or contradict actions of the Borough of Quakertown in the administration and enforcement of the Industrial Pretreatment Program.
6. Resolution of Conflicts. Conflicts which may arise between the Borough of Richlandtown and the Borough of Quakertown in the administration or enforcement of this Part or the Industrial Pretreatment Program, or regarding the rights and duties created thereunder shall be resolved as provided in the Interjurisdictional Pretreatment Program Agreement between the Borough of Richlandtown and the Borough of Quakertown.

(Ord. 236, 10/14/2002, §306)



**CHAPTER 19**  
**SIGNS AND BILLBOARDS**

(Refer to Chapter 27, Part 7)





**CHAPTER 20**

**SOLID WASTE**

**PART 1**

**WASTE FLOW CONTROL AND LICENSING**

- §20-101. Short Title**
- §20-102. Definitions**
- §20-103. Designation of Processing and/or Disposal Facilities**
- §20-104. Prohibited Activities**
- §20-105. Standards for Collection and Transportation**
- §20-106. Licensing Requirements**
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- §20-108. Penalties**
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**PART 1**

**WASTE FLOW CONTROL AND LICENSING**

**§20-101. Short Title.**

The Part shall be known and referred to as the “Waste Flow Control and Licensing Ordinance of Richlandtown Borough.”

(Ord. 202, 1/13/1992, §1)

**§20-102. Definitions.**

The following words and phrases as used in this Part shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

ACT 97 — the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 — the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 1988-101, July 28, 1988).

COLLECTOR OR WASTE HAULER — any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste and/or source separated recyclable materials.

COMMERCIAL ESTABLISHMENT — any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

COUNTY — the County of Bucks, Pennsylvania.

DISPOSAL — the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth. Disposal facilities include, but are not limited to, municipal waste landfills and construction/demolition waste landfills as defined by Act 101, Act 97, and/or DEP rules and regulations (e.g., 25 Pa. Code Chapters 75 and 271).

DEPARTMENT OR DEP — the Pennsylvania Department of Environmental Protection. [A.O.]

INDUSTRIAL ESTABLISHMENT — any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

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**INSTITUTIONAL ESTABLISHMENT** — and establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

**LEAF WASTE** — leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

**LICENSED COLLECTOR OR LICENSED WASTE HAULER** — any collector hauler of municipal waste and/or source-separated recyclable possessing a current license issued by the municipality pursuant to this Part.

**MUNICIPALITY** — the Borough of Richlandtown, Bucks County, Pennsylvania.

**MUNICIPAL WASTE** — any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials.

**PERSON** — any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment, or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PROCESSING** — any technology user for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, recycling facilities, composting facilities, and resource recovery facilities.

**RECYCLING** — the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

**SCAVENGING** — the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a processing or disposal facility.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** — materials, including leaf waste, that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

**TRANSPORTATION** — the off-site removal of any municipal waste at any time after generation.

For the purposes of this Part, the singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 202, 1/13/1992, §2; as amended by A.O.)

**§20-103. Designation of Processing and/or Disposal Facilities.**

1. The Borough of Richlandtown shall designate by separate resolution one or more specific processing and/or disposal facilities where all licensed collectors must, as a condition of licensing, transport and dispose all municipal waste and/or source-separated recyclable materials collected within the Borough of Richlandtown. Processing and/or disposal facilities designated by the Borough must be on the list of County-designated facilities in the Bucks County Municipal Waste Management Plan.
2. The Borough of Richlandtown shall have the right by separate resolution to require any licensed collector to obtain a contract with any or all processing and/or disposal facilities accepting municipal waste or source-separated recyclable material generated within the municipality. Said contract(s) must provide for a minimum of one year of guaranteed capacity with a contract renewal option of at least one year. Said contract(s) must be accompanied by a notarized statement of the projected annual weight and/or volume of waste or recyclable material to be disposed at the facility.

(Ord. 202, 1/13/1992, §3)

**§20-104. Prohibited Activities.**

1. It shall be unlawful for any person to collect municipal waste materials from any residential, public, commercial, industrial or institutional establishment within the Borough of Richlandtown without first securing a license to do so from the Borough in accordance with the provisions of this Part.
2. It shall be unlawful for any person to collect and/or transport municipal waste or source-separated recyclable materials from any sources within the Borough of Richlandtown in a manner not in accordance with the provisions of this Part, any applicable Borough ordinance, the Bucks County Municipal Waste Management Plan, Act 101, the minimum standards and requirements established in Chapter

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285 of the DEP's Municipal Waste Management Regulations (25 Pa. Code Chapter 285), and/or any other Federal, State, or local regulations. [A.O.]

3. It shall be unlawful for any person to transport any municipal waste materials collected from within the Borough of Richlandtown to any processing and/or disposal facility other than those facilities designated in the Bucks County Municipal Waste Management Plan.
4. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within the Borough of Richland without prior approval from the Borough.

(Ord. 202, 1/13/1992, §4; as amended by A.O.)

### **§20-105. Standards for Collection and Transportation.**

1. All collectors or waste haulers operating within the Borough of Richlandtown must comply with the following minimum standards and regulations:
  - A. All trucks or other vehicles used for collection and transportation of municipal waste and/or source-separated recyclable materials must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25 Pa. Code Chapter 285, Subchapter B, regulations for the collection and transportation of municipal waste.
  - B. All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
  - C. All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.
  - D. All collection vehicles conveying nonputrescible municipal waste and/or source-separated recyclable materials shall be capable of being enclosed or covered to prevent litter and other nuisances.
  - E. All collection vehicles conveying municipal waste and/or source-separated recyclable materials shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of material transported by the vehicle. All such signs shall have lettering which is at least six inches in height as required by Act 101.

2. All collection vehicles and equipment used by licensed collectors or licensed waste haulers shall be subject to inspection by the Borough of Richlandtown or its authorized agents at any reasonable hour without prior notification.

(Ord. 202, 1/13/1992, §5)

**§20-106. Licensing Requirements.**

1. No person shall collect or remove and then subsequently haul or transport any municipal waste material through or upon the streets of the Borough of Richlandtown without first obtaining a Waste Flow Control License in accordance with the provisions of this Part. This Section shall not apply to private individuals (e.g., homeowners) who wish to transport their own household waste or recyclables to County-designated facilities, nor to farmers, landscapers, or nurserymen who collect, remove, haul, or otherwise transport agricultural or other organic waste associated with their respective business activities.
2. All collectors and waste haulers shall be licensed by the Borough of Richlandtown and designated as a “Licensed Waste Hauler” or a “Licensed Collector”.
3. As a condition of acquiring and maintaining a license to operation within the Borough each licensed waste hauler or collector shall dispose of all municipal waste at a facility or facilities designated by the Borough from the list of designated facilities in the Bucks County Municipal Waste Management Plan. Noncompliance with this subsection shall be grounds for revocation of a waste hauling company’s license to collect waste in the Borough.
4. Any person who desires to collect and subsequently haul or transport municipal waste within the Borough of Richlandtown shall submit a Waste Flow Control License Application and any application fee to the Borough or its designated licensing representative. Any collector or waste hauler operating within the Borough as of the effective date of this Part must apply for and be issued a Waste Flow Control License in order to continue to operate within the Borough. Subsequent to initial licensing, any licensed collector or waste hauler possessing an existing license shall submit a license renewal application and fee to the Borough of Richlandtown at least 45 days prior to the expiration date of the existing license, if renewal of the license is desired. New license applicants must submit a license application and fee at least 45 days before beginning collecting and transporting municipal waste in the Borough. The Borough shall have 45 calendar days to review any application and take approval or denial action. If the municipality fails to take action within 45 days, the application will be deemed to be approved.
5. The license fee, shall be set by the Borough of Richlandtown on an annual basis. All licenses are non-transferable and shall be issued for a period of one calendar year. There shall be no reduction or prorated fee for any license issued during a calendar year.

## SOLID WASTE

6. The Waste Flow Control License application form, which will be supplied by the Borough, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste including, but not limited to:
  - A. Name and mailing address of the applicant.
  - B. Name and telephone number of contact person.
  - C. List of all collection vehicles to be covered under the license including, as a minimum the following information for each vehicle; identification information for each vehicle (such as vehicle license number, vehicle registration number, and company identification number); date and location of most recent vehicle inspection; and hauling capacity of the vehicle.
  - D. Type of municipal waste material to be collected and transported.
  - E. Certificate(s) of insurance must accompany the application form as evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by separate resolution of the Borough Council of the Borough.
7. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Part.
8. All licensed collectors or licensed waste haulers are also subject to, as a condition of licensing, the provisions of §20-103 and 20-107 of this Part.
9. All licensed collectors or waste haulers shall meet the requirements of Act 97, Act 101, The Bucks County Municipal Waste Management Plan, all DEP rules and regulations (25 Pa. Code Chapter 285) and any applicable Bucks County Department of Health regulation regarding storage, collection and transportation of municipal waste and source-separated recyclable materials including provisions for proper labeling of collection and transfer vehicles. [A.O.]

(Ord. 202, 1/13/1992, §6; as amended by A.O.)

### **§20-107. Reporting Requirements.**

1. All licensed collectors and licensed waste haulers shall promptly report any significant changes in the collection vehicles or equipment covered under the license and any changes in insurance coverage to the Borough.
2. All licensed collectors and licensed waste haulers shall maintain current, up-to-date records of the collected municipal waste material within the Borough of Rich-



landtown. Such records and collected volume reports shall be subject to review by and made available to the Borough or its authorized agents upon written request.

3. All licensed collectors and licensed waste haulers operating within the Borough of Richlandtown shall participate in the Bucks County Municipal Waste Documentation Program. Said program shall be developed and put into operation by the County for the purpose of documenting the origin of municipal waste and source-separated recyclable material and the ultimate disposal point of said waste and recyclables. As part of the program, each licensed collector and licensed waste hauler shall prepare and submit a semi-annual report to the Borough of Richlandtown. The report for the first half of the year (January through June) shall be submitted on or before July 31 and the report for the second half of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each report:
  - A. Total weight of municipal waste materials collected from all sources within the Municipality during each month of reporting period; and
  - B. Name of each processing and/or disposal facility used during the reporting period and total weight of municipal waste materials delivered to each facility during each month of the reporting period.
  - C. Any other information determined to be necessary during the development and implementation of the Bucks County Municipal Waste Documentation Program.
4. All semi-annual reports submitted to the Borough from licensed collectors and licensed waste haulers shall be submitted by the Borough to the County by August 31 (covering January through June) and by February 28 of the following year (covering July through December).

(Ord. 202, 1/13/1992, §7)

#### **§20-108. Penalties.**

1. 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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]
2. The Borough of Richlandtown shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any licensed collector or waste hauler for any of the following causes:

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- A. Falsification or misrepresentation of any statements in any license application;
- B. Lapse or cancellation of any required insurance coverages;
- C. Collection and/or transportation of any municipal waste material in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Part, Bucks County Department of Health regulations, and/or any applicable Federal, State or local regulations.
- D. Transportation or disposal of any municipal waste material collected within the Borough to any site that is not a designated facility in the Bucks County Municipal Waste Management Plan or that is not properly permitted by the Pennsylvania DEP; [A.O.]
- E. Failure to dispose of municipal waste at the facility(ies) stated in the license application; and
- F. Violation of any part of this Part, any other applicable County or municipal ordinances, the Bucks County Municipal Waste Management Plan, or any applicable Pennsylvania laws or regulations.

(Ord. 202, 1/13/1992, §8; as amended by A.O.)

### **§20-109. Injunctive Powers.**

The Borough of Richlandtown may petition the Bucks County Court of Common Pleas for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Part.

(Ord. 202, 1/13/1992, §9)

**CHAPTER 21**

**STREETS AND SIDEWALKS**

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**PART 1**

**CURBS, GUTTERS AND SIDEWALKS**

**§21-101. Curb Specifications.**

All concrete curbs, sidewalks and combined concrete curb and gutter paving shall conform to Richlandtown Standard, as shown on PLATE "A" and PLATE "B" adopted by Borough Council as attached hereto. All curb and gutter work shall be of stone concrete prepared in accordance with §21-103 and 21-104 below. All curb and gutter work shall be placed only on an approved sub-grade to lines and grades conforming to the center line grades for the several streets as more fully described in Richlandtown Borough Ordinances #53, #54, #58, #59, and #76 and shall be completed satisfactory prior to street paving work for widening. Curb and gutter across driveways shall be of the depressed curb type.

(Ord. 85, 6/6/1959 §1; as amended by Ord. 169, 8/9/1982, §1)

**§21-102. Sidewalk Specifications.**

Sidewalk paving shall be of stone concrete, a minimum of four inches in thickness and four feet in width, prepared in accordance with §21-103 and §21-104 below. All concrete sidewalks shall be placed only on approved 2B stone base course of four inches depth as shown on PLATE "B". The stone base course shall be placed on a suitable prepared sub-grade which shall be firm, well drained and free of any soft spots or unsuitable material. Soft spots or unsuitable material shall be removed and replaced with an approved sub-base material that is compacted and finished to a firm, even surface. The surface of the sidewalk shall be finished even with the top of such curb and shall slope toward the curb at 1/4 inch per foot. At driveways the sidewalk paving shall be a minimum of six inches in thickness for the full width of the driveway opening, and the surface of the sidewalk shall slope to conform with the top of the depressed curb across driveway.

(Ord. 85, 6/6/1959, §2; as amended by Ord. 169, 8/9/1992, §2)

**§21-103. Forms.**

All forms shall be clean, straight, free from warp, sufficiently tight to prevent leakage of concrete, and properly staked, braced and tied together so as to maintain the desired position and shape during and after placing concrete. Forms shall be of approved "Borough Standard" metal type; wood or other suitable flexible material, approved by the Engineer, may be used on sharp curves and short tangents. The inside of metal forms shall be coated with non-staining oil or other approved material; or, in case of wood forms, thoroughly wetted before receiving concrete.

(Ord. 85, 6/6/1959, §3)

## STREETS AND SIDEWALKS

### **§21-104. Materials.**

1. Concrete shall consist of one part, by volume, Portland cement; two parts, by volume, fine aggregate (clean, sharp sand); and four parts, by volume, coarse aggregate (crushed stone, gravel or slag) and shall, in composition, proportioning, mixing and placing, conform in strict accordance with §2:25 "Cement Concrete" or §2:26 "ready-mixed concrete" of the current Specifications of the Department of Highways for the Commonwealth of Pennsylvania.
2. The top surfaces of curb, gutter and sidewalks shall be finished in a smooth, neat and even manner by means of wood floats and the edges shall be rounded to a radius of not more than  $\frac{3}{4}$  an inch while the concrete is still plastic.
3. Metal sleeves of an approved size shall be provided and placed in curb forms at locations to be designated for rainwater conductors before pouring concrete. Expansion pint plates shall be spaced at 10 feet intervals, generally, and shall be removed immediately after concrete has reached initial set.
4. Pipes of an approved size shall be provided and placed in sidewalk forms at locations to be designated for rainwater conductors before pouring concrete. Expansion joints shall be spaced at 20 feet intervals and blocks shall be marked with an approved striking tool at four feet intervals, generally.
5. Calcium chloride or other additives shall be used only as approved or directed by the Engineer.

(Ord. 85, 6/6/1959, §4)

### **§21-105. Construction.**

The construction of curb and gutter shall be directed by Borough Council and supervised and inspected for proper line, grade and construction by the Borough Engineer. Costs for the construction of the improvement of such curb and gutter shall be an assessment per foot to the properties along the street.

(Ord. 85, 6/6/1959, §5)

**§21-106. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 85, 6/6/1959; as added by A.O.)





**PART 2**

**OPENING OF EXCAVATIONS IN STREETS**

**§21-201. Definitions.**

1. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, unless the context clearly indicates that another meaning shall be used:

STREET — the entire legal right of way of any public street, avenue, road, lane, alley, highway or other public way located within the Borough Limits of the Borough of Richlandtown, and established for the use of vehicles, but shall not include sidewalks.

PERSON — shall mean and include any natural person, partnership, firm, association or corporation.

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

(Ord. 5/8/1972, §1)

**§21-202. Permit Required.**

It shall be unlawful for any person to make an excavation of any kind in any of the streets in the Borough of Richlandtown without first securing a permit therefore, as hereinafter provided, and all excavations shall be made in strict compliance with the requirements of this Part.

(Ord. 5/8/1972, §2)

**§21-203. Application to Make Excavation or Excavations.**

Application to make an excavation or excavations in any street within the Borough of Richlandtown shall be made to the Borough Secretary, in writing, on forms and blanks to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation and the approximate size and depth thereof, the purpose of such excavation and the approximate time the work is expected to take. The application shall further contain an agreement by the applicant to complete the work in strict compliance with the requirements of this Part, to indemnify and save harmless the Borough of and from any and all liability it may incur by reason of any personal injury or property damage that may occur by reason of the work done or the existence of such excavation or excavations, and to repay the Borough any damages it

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may suffer by reason of the work done or the existence of such excavation or excavations.

(Ord. 5/8/1972, §3)

### **§21-204. Fee.**

Before any such permit shall be issued, the applicant shall pay the appropriate application fee hereinafter set forth, which fee is to cover the costs of administration including inspection of the work by the Borough Engineer:

- A. For openings or excavations in any street having an unimproved or stoned surface, the sum in an amount to be established, from time to time, by resolution of Borough Council per lineal foot or fraction thereof of excavation. [A.O.]
- B. For openings or excavations in any street having an improved, macadam or asphalt surface, the sum in an amount to be established, from time to time, by resolution of Borough Council per lineal foot or fraction thereof of excavation.

(Ord. 5/8/1972, §4; as amended by A.O.)

### **§21-205. Repairs.**

Any person who shall open or excavate any improved or unimproved street in the Borough shall be responsible to the Borough for any defects which shall appear within a period of one year after the surface is replaced. The applicant shall reimburse the Borough for the cost of all necessary repairs to the paving caused or resulting from defective backfilling or resurfacing.

(Ord. 5/8/1972, §5)

### **§21-206. Specifications.**

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel and approved by the Borough Engineer.
2. No more than 500 linear feet shall be opened in any street at any one time.
3. All excavation work shall be so conducted as not to interfere with water or gas mains, sewers, or any other subsurface lines or constructions unless permission of

the proper authorities in connection with such subsurface lines or constructions shall have been first obtained.

4. No tunneling shall be allowed without express approval of Borough Council and permission therefore endorsed upon the permit. The backfilling of a tunnel excavation shall be done in a manner approved by the Borough Engineer.
5. In the case of improved streets all openings or excavations shall be backfilled and restored in accordance with the Pennsylvania Department of Transportation's current Specification M-945-B, Section 29, paragraphs one to four as applicable.
6. In the case of unimproved streets all openings or excavations shall be backfilled and restored in accordance with the Pennsylvania Department of Transportation's current Specification M-945-B, paragraph 5. Borough Council may require the surface patching to be made with asphaltic materials.
7. During the time between the opening and closing of any excavation, every reasonable safety precaution shall be taken by the applicant both day and night by guards, barriers, lanterns and other appropriate devices.
8. The filling of an excavation shall not be commenced until the same has been inspected and approved by the Borough Engineer.
9. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within a reasonable time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Engineer, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20% to the applicant.
10. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Ordinance and to the supervision and approval of Borough Council.

(Ord. 5/8/1972, §6)

#### **§21-207. Leak, Explosion or Other Accident.**

In the event of a leak, explosion or other accident in or to any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided application for a permit is made immediately and not later than the next business day thereafter, and that all other provisions of this Ordinance are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction

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or apparatus, the Borough Engineer, after reasonable attempts to notify the person owning or responsible for such pipe, line, construction or apparatus, or after the person has not attended to the condition after actual notice, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

(Ord. 5/8/1972, §7)

### **§21-208. Plan Approval.**

No new water, sewer or gas main or line shall hereafter be laid or constructed, and no existing water, sewer or gas main or line shall be extended in any of the streets within the Borough limits until the exact location thereof and the plan therefore shall have been first approved by Borough Council.

(Ord. 5/8/1972, §8)

### **§21-209. Water or Surface Drainage.**

Every private lane, road, alley, driveway, drive or entrance road connecting with any street within the limits of the Borough of Richlandtown shall be so constructed that no water or surface drainage shall be blocked or diverted from the course of the gutter, and so that the surface drainage from such private lane, road, alley, driveway, drive or entrance road shall flow into the gutter of said street and not upon the roadway or roadbed thereof. Any person desiring to connect any such private lane, road, alley, driveway, drive or entrance road with any public street, shall be required to apply for Borough approval for such work and submit specifications for said proposed work to the Borough Secretary for approval by Borough Council. No charge shall be made for such approval.

(Ord. 5/8/1972, §9)

### **§21-210. Prohibited Drainage.**

It shall be unlawful for any person owning or occupying property within the limits of the Borough of Richlandtown to drain or allow to drain or to allow the flow into or upon any street or gutter by pipes or any other channel either natural or artificial, any water or drainage from sinks, bath tubs, washstands, lavatories, water closets, swimming pools, laundry tubs, washing machines, privies, pools, septic tanks, cesspool or other receptacle of any kind or nature whatsoever, or to allow any such water or drainage to percolate into or upon said streets or gutters.

(Ord. 5/8/1972, §10)

**§21-211. Payment to Borough.**

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefore under the provisions hereof within 30 days after a bill therefore is sent to such person by the Borough. Thereafter the same shall be collectable by the Borough in the manner provided by law for the collection of municipal claims.

(Ord. 5/8/1972, §11)

**§21-212. Penalty.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 5/8/1972, §12; as amended by A.O.)



**PART 3**

**REMOVAL OF SNOW AND ICE FROM SIDEWALKS**

**§21-301. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Part:

ROADWAY — as used in this Part shall mean that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SIDEWALK — as used in this Part shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and abutting property lines intended for the use of pedestrians.

STREET or HIGHWAY — as used in this Part shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 158, 10/8/1979, D)

**§21-302. Snow and Ice to be Removed from Sidewalks in the Borough by Private Persons.**

Every person, partnership, corporation, joint-stock company or syndicate in charge or control of any building or lot of land within the Borough fronting or abutting on a paved sidewalk in the Borough whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 24 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

(Ord. 158, 10/8/1979, §II)

**§21-303. Lots of Land.**

A lot of land or a property line shall be deemed to be abutting the sidewalk even though there is a strip of land between the property line and the sidewalk if that strip of land is too narrow to be used as a site for the smallest width dwelling allowed by law to be erected thereon.

(Ord. 158, 10/8/1979, §III)

## STREETS AND SIDEWALKS

### **§21-304. Time for Removal of Snow and Ice.**

Snow and ice shall be removed from sidewalks within the Borough within 24 hours after the cessation of any fall of snow, sleet or freezing rain.

(Ord. 158, 10/8/1979, §IV)

### **§21-305. Postponement of Removal Under Certain Conditions.**

In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in §26-304 hereof, cause enough sand or other abrasive material to be distributed onto the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause removal thereof in accordance with the terms of this Part.

(Ord. 158, 10/8/1979, §V)

### **§21-306. Depositing of Snow and Ice Restricted.**

No person, corporation, joint-stock company or syndicate whose building or lot of land is located in a residential district shall deposit or cause to be deposited any snow and ice on any roadway or vehicular-traveled portions of the street or highway.

(Ord. 158, 10/8/1979, §VI)

### **§21-307. Violations; Work Done, Liability Therefore; Penalty.**

1. In the event of the failure of any person, partnership, corporation, joint-stock company or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalks as hereinbefore provided, or cause this to be done, the Borough, through its Mayor, Secretary or other person designated by the Borough Council shall, as soon as practicable after such failure, cause such work to be done.
2. The Borough, through its Mayor, Secretary or other person designated by Borough Council, shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this Section on account of each act or omission of each person, partnership, corporation, joint-stock company or syndicate; and he shall identify these persons or entities with particularity.
3. Each person, partnership, corporation, joint-stock company or syndicate whose act or omission makes it necessary that the Borough cause work to be done in accordance with this Section shall be liable to the Borough for the cost of such work



plus a penalty of 10% of such cost, which cost and penalty may be recovered by the Borough in such manner as is provided by law.

(Ord. 158, 10/8/1979, §VII)

**§21-308. Penalties.**

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 than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 158, 10/8/1979, §VIII; as amended by A.O.



**CHAPTER 22**

**SUBDIVISION AND LAND DEVELOPMENT**

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**PART 1**

**TITLE AND PURPOSE**

**§22-101. Short Title.**

These regulations shall be known and may be cited as “The Richlandtown Borough Sub-division and Land Development Ordinance of 1979.”

(Ord. 157, 6/11/1979, Art. I, §101)

**§22-102. Purpose.**

This Chapter is established for the purpose of regulating the development of human habitation; to provide for the harmonious development of the Borough; for adequate open spaces; for proper traffic flows; recreation; light and air; and for proper distribution of population; to ensure conformance of land utilization with the Comprehensive Plan of the county and municipal comprehensive plan, thereby creating conditions favorable to the health, safety and general welfare of the citizens.

(Ord. 157, 6/11/1979, Art. I, §102)

**§22-103. Interpretation.**

The provisions of this Chapter shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance or regulation shall prevail. In the event of conflict with the applicable zoning ordinance governing the Borough the terms of the Zoning Ordinance [Chapter 27] shall apply.

(Ord. 157, 6/11/1979, Art. I, §103)

**§22-104. Severability.**

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

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- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

(Ord. 157, 6/11/1979, Art. I, §104)



## PART 2

### JURISDICTION AND SANCTIONS

#### **§22-201. Jurisdiction.**

1. It shall be unlawful for any person, firm, partnership, corporation or other legal entity or agent thereof owning, controlling or possessing any lot, tract or parcel of land in the Borough, to subdivide any lot, tract or parcel of land, to conduct land development, or to layout, construct, open or dedicate for public use or travel any street, sanitary or storm sewer, drainage facility or other facility in connection therewith, for the common use of occupants of buildings located within the subdivision or land development, or erect any building(s) or improvements thereon, unless final plans of such subdivision or land development shall have been prepared and signed by or sealed by a professional engineer or land surveyor duly and currently registered in the State of Pennsylvania; submitted to and approved in writing thereon by the Richlandtown Borough Council; and recorded in the Bucks County Recorder of Deeds office in Doylestown, Pennsylvania.
2. Before the approval of a plan by the Richlandtown Borough Council having the power of approval of plans, the Borough Planning Commission shall transmit a copy of the proposed plan to the County Planning Commission, and the Commission shall make a report thereon to the Borough Planning Commission. Pending the receipt and consideration of such report, the Richlandtown Borough Council shall defer action thereon; but if such report is not received by the Borough Planning Commission within 45 days from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon by the Borough Planning Commission, the Richlandtown Borough Council may proceed to final action thereon.
3. It shall be unlawful to issue permits or to issue or record any plan required to be approved by the Richlandtown Borough Council in any public office unless the sale shall bear thereon by endorsement or otherwise the approval of the Richlandtown Borough Council.

(Ord. 157, 6/11/1979, Art. II, §201)

(Ord. 157, 6/11/1979, Art. II, §202)

#### **§22-202. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as

## SUBDIVISION AND LAND DEVELOPMENT

a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. In addition to the civil enforcement remedy described above, the Borough may enforce violations of this chapter by an action in law or in equity. All remedies shall be cumulative.
4. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Section.

(Ord. 157, 6/11/1979, Art. II, §202; as amended by A.O.

**PART 3**

**DEFINITIONS**

**§22-300. General.**

1. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Ordinance the meanings in the following clauses.
2. For the purpose of this Chapter, words and terms used herein shall be interpreted as follows:
  - A. Words used in the present tense include the future.
  - B. The singular includes the plural.
  - C. The words “person” or “subdivider”, and “owner” include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
  - D. The word “lot” includes the word “plot” or “parcel”.
  - E. The word “Commission” shall mean the Richlandtown Borough Planning Commission.
  - F. The words “applicable zoning ordinance” refers to the Richlandtown Borough Zoning Ordinance and any subsequent amendments thereof.
  - G. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
3. Any word or term not defined herein shall be used with a meaning of standard usage.

**AGENT** — any person, with the approval of the property owner, such as developer, attorney, equitable owner, real estate person, etc., who, acting for the subdivider, submits to the Commission subdivision plans for the purpose of obtaining approval thereof.

**ALLEY** — a right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**APPLICANT** — any person who submits to the Commission subdivisions or land development plans for the purpose of obtaining approval thereof.

**APPLICATION FOR DEVELOPMENT** — every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction

## SUBDIVISION AND LAND DEVELOPMENT

or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [A.O.]

**BUILDING** — a structure having a roof, with or without walls, which is used or intended to be used for the shelter or enclosure of persons, animals or property. The word “building” shall include any part thereof.

**BUILDING SETBACK** — a line within a property defining the required minimum distance between any structure and the adjacent right-of-way line.

**CARTWAY (ROADWAY)** — the portion of a street right-of-way, paved or unpaved, intended for vehicular use.

**CLEAR-SIGHT TRIANGLE** — an area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on their right-of-way lines at a given distance from the intersection of the street right-of-way line.

**COMMON OPEN SPACE** — a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [A.O.]

**CROSSWALK OR INTERIOR WALK** — a right-of-way or easement for pedestrian travel.

**CUL-DE-SAC** — a street intersecting another street at one end and terminating at the other in a vehicular turn-around.

**DEVELOPER** — any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

**DRAINAGE FACILITY** — any ditch, swale, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from, or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

**DRIVEWAY** — a private vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DWELLING UNIT** — any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

**ENGINEER** — a licensed professional engineer registered by the Commonwealth of Pennsylvania.

EASEMENT — a right-of-way granted, but not dedicated, for limited use or private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EROSION — the removal of surface materials by the action of natural elements.

IMPROVEMENTS — those physical additions, installations and changes such as streets, curbs, sidewalks, water mains, sewers, drainage facilities, public utilities, and any other appropriate items required to render land suitable for the use proposed.

LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more buildings, or
  - (2) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- B. A subdivision of land.

LOT — a plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods in which title was acquired.

LOT AREA — the area contained within the property lines of the individual parcels of land as shown on the plan, excluding any area within a street right-of-way, but including the area of any easement.

MARGINAL ACCESS STREET — minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic street.

MOBILEHOME — a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [A.O.]

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**MOBILEHOME LOT** — a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. [A.O.]

**MOBILEHOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [A.O.]

**MULTIPLE DWELLING BUILDING** — a building providing separate living quarters for two or more families.

**MUNICIPAL ENGINEER** — a licensed professional engineer registered by the Commonwealth of Pennsylvania and retained or employed by the Borough of Richlandtown.

**OWNER** — the owner of record, or equitable owner acting in behalf of the owner of record, of a parcel of land.

**PLAN, FINAL** — a complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements. This plan shall include all the requirements and supplementary data as outlined in §22-803.

**PLAN, PRELIMINARY** — a tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan. This plan shall include all the requirements and supplementary data as outlined in §22-802.

**PLAN, SKETCH** — an informal plan, to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

**PUBLIC GROUNDS** — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites. [A.O.]

**PUBLIC MEETING** — a forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings). [A.O.]

**PUBLIC NOTICE** — notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the

time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. [A.O.]

RE-SUBDIVISION — any subdivision or transfer of land, laid out on a plan which has been approved and recorded which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

RIGHT-OF-WAY — a strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer, stream, drainage ditch, or for any other private or public special use.

RUNOFF — the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment”.

SEWAGE FACILITY, PUBLIC — a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SIGHT DISTANCE — the length of street, measured along the center line, which is continuously visible from any point three feet above the center line.

SLOPE — the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage bases upon vertical distance in feet per 100 feet of horizontal distance.

STREET — a public or private way used or intended to be used for passage or travel by vehicles and pedestrians and to provide access to abutting properties.

STREET LINE — the street line will be the dividing line between the street right-of-way and the lot. The street line shall be the same as the legal right-of-way line.

SUBDIVISION, MAJOR — the division or redivision of a lot, tract or parcel of land by any means into either two lots, tracts, parcels or other division of land which do not both have frontage on an improved public street or streets, or into more than two lots, tracts, parcels or other division of land, and including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

## SUBDIVISION AND LAND DEVELOPMENT

**SUBDIVISION, MINOR** — the division or redivision of a single lot, tract or parcel of land by any means into two lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development, providing the proposed lots, tracts, parcels or other divisions of land thereby created both have frontage on an improved public street or streets; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

**UNDEVELOPED LAND** — land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

**WATER FACILITY** — any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

**WETLANDS** — areas of undrained, saturated soils supporting wetland vegetation, where the water table is at or near the surface or where shallow water covers the area due to permanent or seasonal inundation of surface or ground water (See §22-523). [Ord. 201]

**YARD** — an open space unobstructed from the ground up, on the same lot with a structure, expending along a lot line or street line and inward to the structure.

**YARD, FRONT** — a yard between the front of a structure and an adjacent street line and extending the entire length of the street line across the property.

(Ord. 157, 6/11/1979, Art. III, §300; as amended by Ord. 201, 1/13/1992, §1; and by A.O.



**PART 4**  
**PROCEDURE**

**§22-401. General.**

1. There are two stages in the procedure for approval of subdivision and land development plans. These stages are required to enable the Richlandtown Borough Planning Commission and the Borough Council to have an adequate opportunity to review the submission, and to insure that their formal recommendations are reflected in the Final Plan.
2. The separate stages of approval require the submission of a Preliminary Plan and a Final Plan. These plans differ in their purpose and required level of detail. The Table below indicates the required plans for the different types of submissions.

**Type of Submission**

**Plan Approval Stage**

<b>Plan</b>	<b>See Section</b>	<b>Minor Subdivision</b>	<b>Major Subdivision</b>	<b>Land Development</b>
Sketch	§22-402	Suggested	Suggested	Suggested
Preliminary	§22-403	Required	Required	Required
Final	§22-404	Required	Required	Required

3. Applications for all stages of the review process shall be submitted to the Borough Zoning Officer. Proper fees and all other plan requirements of this Chapter shall be included.
4. The Zoning Officer shall check the application for completeness. If the application is complete the Zoning Officer shall formally submit the application at the next regular scheduled Borough Council meeting at which time they will be accepted and the review period will begin.
5. If the Zoning Officer finds the application to be incomplete, the applicant will be notified in writing of the deficiencies within 20 days of filing with the Zoning Officer. The application will not be presented to the Borough Council for formal acceptance nor will the review period begin until the application is complete.
6. The review process required shall include no more than 90 days starting from the day each complete submission is formally accepted by the Borough Council and ending with the decision of the Borough Council (Preliminary and Final Plans) or the Borough Planning Commission (sketch plans).

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7. A public hearing may be required prior to final approval of a proposed major subdivision by the Borough Council.
8. At the option of the Borough Council a public hearing may be held on a proposed minor subdivision.
9. In the absence of special monthly hearings, all monthly meetings of the Borough Council or the Planning Commission are considered public hearings.
10. In the event that such public hearing is not held during Preliminary Plan review and approval process, such hearing may be held during the Final Plan review process. In such cases, the Borough Council shall schedule, post notice for said hearing at the time the Final Plan is submitted, and publish said notice in the local paper one week prior to said hearing.
11. The applicant is encouraged to meet informally with either the Borough Planning Commission and/or the Bucks County Planning Commission staff to obtain information regarding zoning requirements and development alternatives.

(Ord. 157, 6/11/179, Art. IV, §401)

### **§22-402. Sketch Plan.**

1. Purpose. The purpose of the sketch plan is to afford the applicant the opportunity to consult early and informally with both the Borough Planning Commission and the Bucks County Planning Commission before the preparation of the preliminary plan and formal application for approval. During the sketch plan procedure, the applicant can advantageously make use of the services of both planning commissions to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. The sketch plan procedure also affords both planning commissions the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official action and save unnecessary expense and delay.
2. Sketch Plan Procedure.
  - A. Applicant prepares sketch plan and application form.
  - B. Applicant submits 16 copies of the sketch plan and application form to the Borough Zoning Officer.
  - C. The Zoning Officer checks submission against a checklist for completeness. If submission is incomplete, the applicant shall be notified of any deficiencies within 20 days. If the application is complete, the Zoning Officer receives the sketch plan and application form and continues with the procedure process.

- D. The Borough Zoning Officer immediately distributes copies of the Sketch Plan and application form to:

Borough Planning Commission	2 copies
Bucks County Planning Commission	2 copies
Borough Engineer	1 copy
Richlandtown Borough Council	8 copies
Administrator – Borough Secretary	1 copy
Zoning Officer	1 copy
PennDot (State Highway only)	1 copy
	Total: 16 copies

- E. Bucks County Planning Commission shall collect fees according to its application fee schedule, review the sketch plan and prepare a report for the Borough Planning Commission. The applicant may schedule a meeting with the Bucks County Planning Commission staff to present his proposal, and the applicant or the Bucks County Planning Commission staff may schedule additional meetings to discuss revision of the plan. At any of these meetings, the Borough Planning Commission may be included as a participant.
- F. The Borough Planning Commission shall review the plan at a public meeting and inform the applicant in writing of its decision within five days of their decision.
- G. General disapproval of a proposed sketch plan shall not preempt and applicant from applying for preliminary approval as specified below.

(Ord. 157, 6/11/1979, Art. IV, §402)

**§22-403. Preliminary Plan – Major & Minor Subdivision or Land Development.**

The purpose of the preliminary plan is to establish the criteria for the final plan and to require formal approval of that criteria. This enables the applicant to proceed to the final approval stage knowing that changes or revisions in the plan will be minor.

- A. A preliminary plan shall be submitted incorporating the changes recommended during the sketch plan procedure. The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically recommended in writing by the Borough Planning Commission pursuant to §22-806 of this Chapter.

## SUBDIVISION AND LAND DEVELOPMENT

- B. Deposit and Application Fee. Application fees for the different types of subdivision and land development submissions are listed in the Richlandtown Borough Fee Schedule.
- C. Procedure.
- (1) Applicant submits 17 copies of the Preliminary Plan and application form to the Borough Zoning Officer.
  - (2) Application fees according to the Fee Schedule are paid.
  - (3) The Zoning Officer checks submission against a checklist for completeness and if submission is incomplete notifies the applicant in writing indicating the deficiencies within 20 days. If submission is complete the Zoning Officer submits the plan for formal acceptance by the Borough Council at the next regularly scheduled meeting of the Borough. The 90-day time limit for the review procedure begins at this time.
  - (4) The Zoning Officer shall immediately distribute copies of the Preliminary Plan and applicable application fees to:

Borough Planning Commission	3 copies
Bucks County Planning Commission	2 copies
Borough Engineer	1 copy
Richlandtown Borough Council	8 copies
Administrator – Borough Secretary	1 copy
Zoning Officer	1 copy
PennDot (State Highway only)	1 copy
	Total: 17 copies
  - (5) Bucks County Planning Commission reviews Preliminary Plan and forwards one copy of the plan to the Soil Conservation Service. A report is prepared and sent to the Borough Planning Commission within 45 days.
  - (6) Borough Engineer shall within 30 days following official acceptance of the Preliminary Plan:
    - (a) Review the engineering considerations in the applicant's submission
    - (b) Prepare a report for the Borough Planning Commission.

- (7) Following official acceptance of the plans by the Borough Council, the Borough Planning Commission shall within 60 days following acceptance of the preliminary plan by the Borough:
  - (a) Review all applicable reports from the Bucks County Planning Commission, Borough Engineer, Pennsylvania Department of Transportation, Soil Conservation Service and Zoning Officer.
  - (b) Determine whether the Preliminary Plan meets the objectives and requirements of the Richlandtown Borough Subdivision and Land Development Ordinance and other ordinances.
  - (c) Discuss the submission with the applicant.
  - (d) Recommend revisions so that the plan will conform to Borough ordinances; and
  - (e) Recommend approval or disapproval of the Preliminary Plan in a written report to the Borough Council.
- (8) Borough Council shall within 90 days following acceptance of the Preliminary Plan:
  - (a) Review reports of the Borough Planning Commission and those agencies listed in subsection (7) above;
  - (b) Determine whether the preliminary plan meets the objectives and requirements of the Richlandtown Borough Subdivision and Land Development Ordinance and other ordinances.
  - (c) Discuss the submission with the applicant.
  - (d) Approve or disapprove the preliminary plan. If disapproved, the Borough Council shall state the reasons for this action.
  - (e) The decision of the Borough Council shall be in writing and shall be communicated to the applicant, or his agent, personally or mailed to him at his last known address not later than 15 days following the decision.
- (9) Approval of the preliminary plan shall constitute conditional approval of the subdivision or land development as to the character and intensity, but shall not constitute approval of the final plan or authorize the sale of lots or construction of buildings.
- (10) If the preliminary plan is disapproved, the applicant shall file a revised preliminary plan with the Borough Council. No fee will be

## SUBDIVISION AND LAND DEVELOPMENT

charged for the first revision, but all successive submissions shall pay the fee for Preliminary Plans.

(Ord. 157, 6/11/1979, Art. IV, §403)

### **§22-404. Final Plan – Major & Minor Subdivision or Land Development.**

1. Purpose. The purpose of the final plan is to require formal approval by the Borough Council before plans for all subdivisions and land developments are recorded as required by §22-406 of this Part.
2. General. A Final Plan shall be submitted conforming to the changes recommended during the preliminary and/or sketch plan procedures. The Final Plan and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically approved in writing by the Borough Council.
3. Procedure. Procedure for approval of final plans shall be identical to the procedure as outlined for preliminary plans in §22-403, except that:

- A. Substitute the word “Final” where the word “Preliminary” is used.
- B. Applicant submits 17 copies of the Final Plan and application to the Zoning Officer, or other person so designated by the Borough Council.
- C. After the plans are officially accepted by the Borough Council at a regular meeting the Zoning Officer shall immediately distribute copies of the Final Plan, application and applicable application fees to:

Borough Planning Commission	3 copies
Bucks County Planning Commission	2 copies
Borough Engineer	1 copy
Richlandtown Borough Council	8 copies
Administrator – Borough Secretary	1 copy
Zoning Officer	1 copy
PennDot (State Highway only)	1 copy
	Total: 17 copies

- D. Borough Planning Commission shall within 60 days following acceptance of the Final Plan by the Borough Council:
  - (a) Review all applicable reports from the Bucks County Planning Commission, Borough Engineer, Pennsylvania Department of Transporta-

tion, Soil Conservation Service, Zoning Officer and other reviewing agencies.

- (b) Determine whether the final plan meets the objectives and requirements of the Richlandtown Borough Subdivision and Land Development Ordinance and other ordinances.
  - (c) Discuss the submission with the applicant.
  - (d) Recommend revisions so that the plan will conform to Borough ordinances; and
  - (e) Recommend approval or disapproval of the final plan in a written report to the Borough Council.
- E. The Borough Council shall within 90 days following acceptance of the Final Plan:
- (a) Review the report of the Borough Planning Commission.
  - (b) Determine whether the final plan meets the objectives and requirements of the Richlandtown Borough Subdivision and Land Development Ordinance and other ordinances.
  - (c) Approve or disapprove the final plan. The applicant shall be informed of the decision within 15 days following the decision. Notice of the decision shall be made in writing and include required changes and the reasons for the decision.
- F. If the final plan is approved:
- (a) The Borough Council shall adopt the final plan. Approval shall not be final until entry into escrow and improvement contracts and production of completion guarantee as set forth in Part 7 of this Chapter.
  - (b) Two exact copies of the approved final plan on linen shall be submitted to the Borough Council.
- G. If the final plan is disapproved, the applicant shall file a revised final plan with the Borough Council. No application fee will be charged for the first revision, but all successive revisions shall pay the fee for Final Plans.

(Ord. 157, 6/11/1979, Art. IV, §404)

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### **§22-405. Recording of Final Plan.**

1. The action of the Borough Council or of the court on appeal in approving any subdivision or land development plan and approved duplicate copy of such plan shall, within 90 days of the date of approval be recorded by the developer in the Office of the Recorder of Deeds of Bucks County. The developer shall notify the Borough, in writing, of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the 90 day period, the approval shall lapse and become void.
2. Effect of Recording.
  - A. After a subdivision or land development has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered to be part of the official plan of the Borough.
  - B. Streets, parks, and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner shall note on the plan that such improvements have not been offered for dedication to the Borough.
  - C. Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the Borough and accepted, by ordinance, and recorded in the Office of the Clerk of the Court of Quarter Sessions of Bucks County, or until it has been condemned for use as a public street, park, or improvement.
3. Recorded Plan. All plans recorded shall contain the information specified in §22-805 of this Chapter.

(Ord. 157, 6/11/1979, Art. IV, §405)



**PART 5**  
**DESIGN STANDARDS**

**§22-501. Application.**

1. The following land subdivision and land development principles, standards and requirements will be applied by the commission in evaluating plans for proposed subdivisions and land developments.
2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
3. Whenever municipal or other applicable regulations impose more restrictive standards and requirements than those outlined herein, such other regulations shall control.

(Ord. 157, 6/11/1979, Art. V, §501)

**§22-502. General Standards.**

1. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
2. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
3. In general, lot lines shall follow municipal and county boundary lines rather than cross them.
4. Developers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.
5. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
6. Land subject to flooding or other hazards to life, health or property, and land deemed to be topographically unsuitable, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, nor aggravate erosion or flood hazard, until all such hazards are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plat for uses as shall not be endangered by periodic or occasional inundation and shall not produce unsatisfactory living conditions.

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7. Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding" and no building or streets shall be permitted in this area.

(Ord. 157, 6/11/1979, Art. V, §502)

### **§22-503. Community Facilities.**

1. In reviewing subdivision plans, the Borough Council will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
2. Where deemed essential by the Borough Council upon consideration of the particular type of development proposed and especially in large-scale residential developments, the Borough Council may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes.
3. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
4. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan of the Borough in whole or in part in a subdivision or land development, the Borough Council may require the dedication or reservation of such area within the subdivision or land development, in those cases in which the Planning Commission in conjunction with the Borough Council deems such requirements to be necessary.
5. Standards for Community Facilities. The following standards shall apply to the provisions of recreation space:
  - A. Areas set aside for recreational purposes, such as playgrounds or playfields, shall be of adequate size and configuration to accommodate the intended use. They should be located to serve all the residents, and in large developments more than one area may be required to serve the residents in close proximity to their dwellings. Access should be provided from a public street.
  - B. In subdivisions or land developments which provide or intend to provide housing facilities for more than 50 families, suitable open areas shall be required for aesthetics and recreation.

(Ord. 157, 6/11/1979, Art. V, §503)

**§22-504. Street – General.**

1. Proposed streets shall conform in all respects to the Official Map and General Development Plan of the Borough, if one has been adopted, or to such other street plans or parts thereof as have been officially prepared and adopted by the Borough.
2. Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Borough.
3. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
4. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
5. If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
6. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
7. Stub streets greater in length than one lot depth, shall be provided with a temporary turn-around to the standards required for cul-de-sacs, or shall be paved to the full width of the right-of-way for the last 75 feet of their length.
8. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Borough, and all street names shall be subject to the approval of Borough Council.
9. Private streets are prohibited. They will be approved only if they are designed to meet Borough street standards.

(Ord. 157, 6/11/1979, Art. V, §504)

**§22-505. Cul-de-Sac Streets.**

1. A permanent or temporary cul-de-sac exceeding 500 feet in length may be approved by the Borough Council only if conditions of the tract warrant a longer cul-de-sac.

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2. Cul-de-sacs shall have at the closed end a turnaround with a right-of-way having a minimum outside radius of not less than 60 feet and shall be paved to a radius of not less than 60 feet and shall be paved to a radius of not less than 48 feet.
3. Drainage of cul-de-sacs shall preferably be toward the open end.
4. A temporary cul-de-sac shall be designed so that the cartway is widened to a 50 foot width for a distance of 75 feet at the turnaround.

(Ord. 157, 6/11/1979, Art. V, §505)

### **§22-506. Street Standards.**

1. All streets in the Borough shall have a right-of-way of not less than 50 feet and a cartway of not less than 36 feet. Curbs and sidewalks shall be installed as required by the Borough and shall be built to the Borough's specifications.
2. Additional rights-of-way and cartway widths may be required by the Borough Council in order to lessen traffic congestion, to secure safety from fire, panic and other dangers, to facilitate the adequate provision for transportation and other public requirements, and to promote the general welfare.
3. Short extension of existing streets with lesser right-of-way and/or cartway widths than prescribed above may be permitted; provided, however, that no section of new right-of-way be less than 50 feet in width.
4. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be dedicated to conform to the standards set forth by the Borough.
5. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
6. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

(Ord. 157, 6/11/1979, Art. V, §506)

### **§22-507. Street Alignment.**

1. Whenever street lines are deflected in excess of 5°, connection shall be made by horizontal curves.

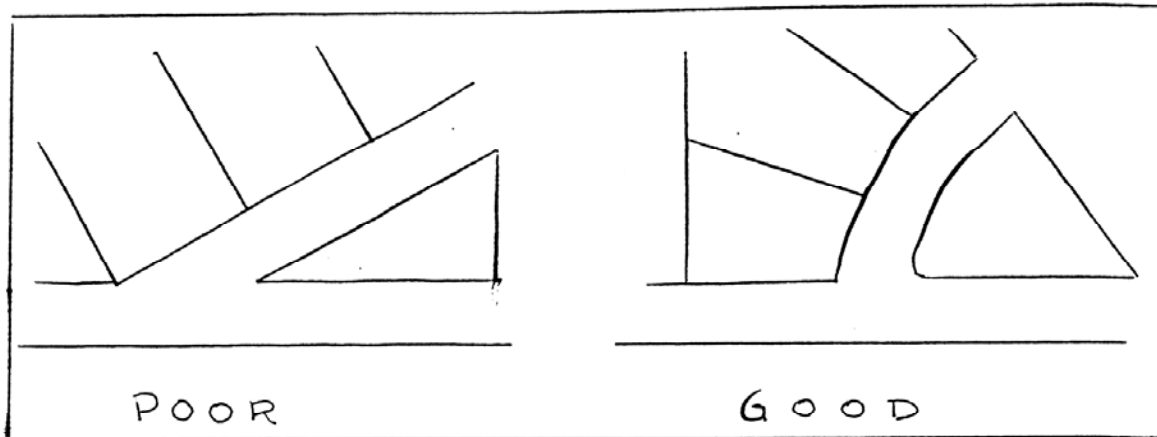
2. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be 300 feet.
3. Except on minor streets, a minimum tangent of 100 feet shall be required between curves.
4. A long radius curve shall be preferred in all cases to a series of curves and tangents.
5. The approaches to an intersection shall follow a straight course for at least 50 feet.
6. Any applicant who encroaches within the legal right-of-way of a State highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation, Permits Office, Doylestown, Pennsylvania.

(Ord. 157, 6/11/1979, Art. V, §507)

**§22-508. Street Grades.**

1. Center line grades shall not be less than 0.5%.
2. The maximum street grades shall be 6%.
3. Vertical curves shall be used at changes of grade exceeding 1% and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:
  - A. For over crests (summits), each 4% difference in gradients use 125 foot length of curve.
  - B. For under crests (sags), each 4% difference in gradients use 100 foot length of curve.
4. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grades.
5. Maximum grade within any intersection shall not exceed 1%.

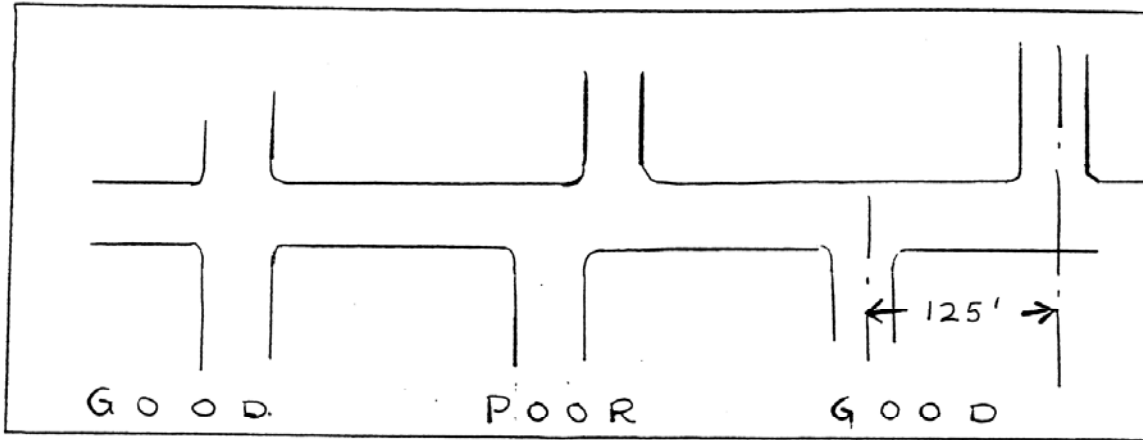
## SUBDIVISION AND LAND DEVELOPMENT



(Ord. 157, 6/11/1979, Art. V, §508)

### §22-509. Street Intersections.

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60°.
2. Multiple intersections involving junction of more than two streets shall be avoided. Where this prove impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
3. Clear sight triangles of 50 feet measured along street right-of-way lines from their points of junction shall be provided at all intersections; and no building, structure, grade or planting higher than two feet above the center line of the street shall be permitted within such sight triangles.
4. Streets shall not intersect on the same side of a major thoroughfare at an interval of less than 800 feet.



5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
6. Minimum curb radii at street intersections shall be 15 feet; and at the property line, the radius shall be 10 feet.

(Ord. 157, 6/11/1979, Art. V, §509)

#### **§22-510. Street Access.**

Where a subdivision abuts or contains an existing or proposed collector street, the Borough Council may require marginal-access streets or reverse-frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through-traffic.

(Ord. 157, 6/11/1979, Art. V, §510)

#### **§22-511. Grading and Drainage.**

1. Blocks and lots shall be graded to secure proper drainage away from buildings and to prevent the collection of storm water in pools.
2. All drainage provisions shall be of such design as to carry surface waters to the nearest practical and adequate street, storm drain, or natural water course. Subdividers must carry surface waters to the nearest practical storm drain or natural water course.
3. The subdivisions owner shall construct and/or install such drainage structures and/or pipes as are necessary to prevent erosion damage and to satisfactorily carry off surface waters.

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4. No excavation shall be made with a cut face steeper than 3:1, except under one or more of the following conditions:
  - A. The excavation is located so that a line having a slope of 3:1 and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation was made.
  - B. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than one horizontal to one vertical. A written statement to that effect from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, is submitted to the Borough Engineer and approved by him. The statement shall affirm that the site has been inspected and that the deviation from the slope will not result in injury to persons or damage to property.
  - C. No fill shall be made which creates any exposed surface steeper in slope than 1 1/2 horizontal to one vertical, except under one or more of the following conditions:
    - (1) The fill is located so that settlement, sliding, or erosion will not result in property damage or be a hazard to adjoining property, streets, alleys, or buildings.
    - (2) A written statement from a civil engineer licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Borough Engineer.
6. The top of bottom edge of slopes shall be a minimum of five feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property.
7. In view of the need for erosion and sediment control, the Borough Council may request a review of development plans by the Bucks County Soil and Water Conservation District and ask for technical assistance in determining water run-off and solutions for water problems as they relate to erosion and soil control.
8. Storm drains and appurtenances shall be required to be constructed by the owner to take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
9. Unless otherwise directed by the Borough, water courses shall remain open and shall not be piped or incorporated into a storm sewer system.



10. In the design of storm sewerage systems, the future use of undeveloped areas upstream shall be taken into account in calculating pipe size.
11. Per letter from County.

(Ord. 157, 6/11/1979, Art. V, §511)

**§22-512. Blocks.**

The length, width and shape of blocks shall be determined with due regard to the following:

- A. Provision of adequate sites for type of buildings proposed.
- B. Zoning requirements as to lot size, dimension, and minimum lot area per dwelling unit.
- C. The limitations and opportunities of the topography.
- D. Requirements for safe and convenient vehicular and pedestrian circulation and access.

(Ord. 157, 6/11/1979, Art. V, §512)

**§22-513. Lots.**

1. Lot dimensions and areas exclusive of easements shall be not less than specified by provisions of the Zoning Ordinance [Chapter 27] of the Borough of Richlandtown.
2. Corner lots shall provide for equal setbacks on both streets.
3. Residential lots shall front on a Borough street, existing or proposed.
4. Double-frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
5. Side lot lines shall be substantially at right angles or radial to street lines.
6. Building setback lines shall be not less than specified by provisions of the Zoning Ordinance [Chapter 27] of the Borough of Richlandtown.
7. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or dedicated to public use for recreation or open space, if acceptable to the Borough.

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8. The subdivision of a tract which creates non-conforming side and rear yard requirements for existing buildings will not be approved. Nonconforming front yards may be approved if necessary to obtain proper street alignment.

(Ord. 157, 6/11/1979, Art. V, §513)

### **§22-514. Alleys.**

1. Where permitted, alleys in residential developments shall have a minimum paved surface of 20 feet with an eight inch stone base.
2. Dead-end alleys shall be avoided; but where this proves impossible, shall be terminated with a circular turn-around with a minimum width of 35 feet.
3. Alley intersections and sharp changes in alignment shall be avoided; but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

(Ord. 157, 6/11/1979, Art. V, §514)

### **§22-515. Easements.**

1. Easements with a minimum width of 20 feet shall be provided as necessary for utilities.
2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be kept as lawn.
4. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than 20 feet, or as may be required or directed by the Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Borough. [A.O.]
5. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery and

other equipment for such purposes, and which shall be sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the Borough upon demand.

6. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the sale has been shown on the approved plan.

(Ord. 157, 6/11/1979, Art. V, §515; as amended by A.O.)

**§22-516. Curbs.**

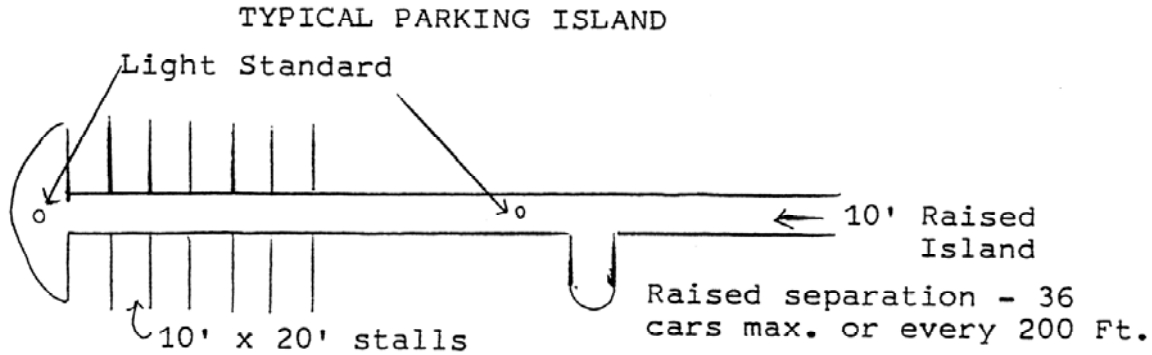
1. Curbs shall be provided along streets when required by the Borough.
2. Along the existing street on which a subdivision or land development abuts (hereinafter called boundary streets), curbs shall be constructed and the existing paved cartway shall be widened to the curb. The location of curbing along a boundary street shall be determined by the width of the required cartway of the road as established by the Borough.
3. Curbs shall be designed and constructed in accordance with the Borough's specifications.

(Ord. 157, 6/11/1979, Art. V, §516)

**§22-517. Automobile Parking Facilities.**

1. Automobile parking facilities shall be provided off street in accordance with the requirements of the Richlandtown Borough Zoning Ordinance [Chapter 27].
2. At no time shall angle or perpendicular parking be permitted along public streets. All parking lots and bays permitting parking other than parallel shall be physically separated from the street and confined by curbing or other suitable separating device.
3. No one area for off-street parking of motor vehicles shall exceed 36 cars in capacity. Separate areas on a parcel shall be physically separated from one another by 10 foot planting strips.

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4. No less than 10 feet of open space shall be provided between the edge of any parking area and the outside wall of the nearest building.
5. Parking area dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking				Driveway	
	Non-Compact Autos Stall Width	Compact Autos Stall Width	Non-Compact Autos Stall Width	Compact Autos Stall Width	One-Way	Two-Way
90°	10'	9'	20'	18'	20'	24'
60°	10'	9'	21'	18'	18'	21'
45°	10'	9'	20'	18'	15'	18'
30°	10'	9'	18'	18'	12'	15'
Parallel	9'	9'	22'	20'	12'	18'

[Ord. 191]

6. All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area.
7. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
8. No less than five foot radius of curvature shall be permitted for all curb lines in all parking areas.
9. Except at entrance and exit drives, all parking areas shall be set back from the future right-of-way line and all property lines at least 10 feet. The distance between this required setback and the future cartway shall be maintained as a planting strip.
10. All automobile parking areas shall be constructed in accordance with the standards established by the Borough.

11. The depth and width of lots reserved or laid out for commercial uses shall be adequate to provide for the off-street parking generated by the use.
12. The layout of every parking area shall be such as to permit safe and efficient internal circulation, in accordance with accepted traffic engineering principles and standards.
13. Entrances and exits to and from off-street parking areas shall be located so as to avoid interference with street traffic.
14. Every off-street parking area shall include sufficient reservoir space to accommodate entering and exiting vehicles without overflowing out onto adjacent streets or service roadways.
15. Pedestrian crosswalks and refuge island shall be provided at intervals not exceeding 200 feet along the length of each parking area.
16. All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface. (See Typical Parking Island Sketch.)

(Ord. 157, 6/11/1979, Art. V, §517; as amended by Ord. 191, 8/14/1989, §1)

**§22-518. Sidewalks.**

1. The minimum width of all sidewalks shall be four feet. There shall be a minimum three foot wide planting strip between the curb and sidewalk. This planting strip can be used for the location of the underground utilities.
2. The grades and paving of the sidewalks shall be continuous across driveways except in nonresidential and high-density residential developments and in certain other cases where heavy traffic volume dictates special treatment.
3. The thickness and type of construction of all sidewalks shall be in accordance with the standards established by the Borough.
4. Sidewalks shall be laterally pitched at a slope not less than 1/8 inch per foot to provide for adequate surface drainage.
5. At corners and pedestrian street-crossing points, sidewalks shall be extended to the curblines with an adequate apron area for anticipated pedestrian traffic.
6. Sidewalks shall not exceed a 7% grade. Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. Where sidewalk grades exceed 5%, a non-slip surface texture shall be used.

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7. Sidewalks adjacent to angle parking areas shall be set back a minimum of five feet to prevent car overhang from restricting pedestrian movement along the sidewalk.

(Ord. 157, 6/11/1979, Art. V, §518)

### **§22-519. Multifamily Developments.**

1. The density, parking, lot area and building requirements shall in all respects conform to the Richlandtown Borough Zoning Ordinance [Chapter 27] for multifamily developments.
2. Preliminary approval of the site plan must be obtained for the entire proposed multifamily development. Final approval may be obtained section by section, but such development sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be re-filed and reviewed and approved.
3. Bonding procedures shall be resolved before final approval of the land development plan, and shall guarantee the improvements by the builder of the streets, sidewalks, curbs, street lighting, street trees, drainage facilities, utilities and other facilities that the Planning Commission and the Borough may deem necessary.
4. Arrangement of Buildings and Facilities.
  - A. All of the elements of the site plan shall be organized harmoniously and efficiently in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the buildings, in order to produce a useable, efficient and economical land use pattern.
  - B. Arrangements of buildings shall be in favorable relation to the natural topography, existing desirable planting, bodies of water, views within and beyond the site, and exposure to the sun and other buildings on the site.
5. Access and Circulation.
  - A. Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
  - B. Access and circulation for firefighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.

- C. Walking distance from the main entrance of building to a street, driveway or parking area shall usually be less than 100 feet; exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed 250 feet.
- 6. Yard shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwellings, and other essential uses.
  - 7. Grading.
    - A. Grading shall be designed for buildings, lawns, paved areas and other facilities, to assure adequate surface drainage, safe and convenient access to and around the buildings and for the screening or parking and other service areas and the conservation of desirable existing vegetation and natural ground forms.
    - B. Grading around buildings shall be designed to be in harmony with natural topography.
  - 8. Streets proposed to be dedicated for public use and maintenance shall conform to the design requirements and specifications of this Chapter and other Borough standards.
  - 9. Driveways.
    - A. Driveways shall be provided on the site where necessary for convenient access to the living units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Driveways shall enter public streets at safe locations.
    - B. Driveways shall be planned for convenient circulation suitable for traffic needs and safety.
    - C. All driveways shall be constructed in accordance with Borough standards.
  - 10. Parking Areas.
    - A. Paved parking areas shall be provided to meet the needs of the residents and their guests without interference with normal street traffic.
    - B. Parking areas shall conform to the standards and requirements of §27-517 and of the Richlandtown Borough Zoning Ordinance [Chapter 27].
  - 11. Sidewalks.

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- A. Street sidewalks and on-site walks shall be provided for convenience and safe access to all living units from streets, driveways, parking areas or garages and for convenient circulation and access to all facilities.
  - B. Width, alignment and gradient of walks shall provide safety, convenience and appearance for pedestrian traffic. Small jogs in the alignment shall be avoided.
  - C. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.
  - D. Sidewalks shall be constructed in accordance with the requirements of §22-518.
12. Refuse Collection Stations.
- A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
  - B. Collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be screened and landscaped adequately.
13. Planting. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

(Ord. 157, 6/11/1979, Art. V, §519)

### **§22-520. Nonresidential Developments.**

- 1. Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the Borough to assure the free flow of through-traffic from vehicles entering or leaving parking areas.
- 2. Alleys or service streets shall be required in commercial and industrial districts, except where other adequate provision is made for off-street loading and parking consistent with the use proposed. Where required, alleys in commercial and industrial districts shall conform to the standards of §22-514 of this Part.
- 3. Dead-end alleys shall be avoided; but where this proves impossible, they shall be terminated with a paved turn-around of adequate dimensions.



4. Adjacent residential areas shall be protected from potential nuisance of the proposed nonresidential developments, including the provisions of extra depths in parcels backing up on existing or potential residential developments and provisions for a permanently landscaped evergreen buffer strip.
5. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of the adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic.
6. All area, design and parking requirements shall conform to the Richlandtown Borough Zoning Ordinance [Chapter 27].
7. Refuse Collection for Nonresidential Developments
  - A. Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided.
  - B. Collection stations shall be located to avoid being offensive and shall be screened from view and landscaped.

(Ord. 157, 6/11/1979, Art. V, §520)

**§22-521. Planting.**

1. Within any land development or subdivision consisting of over 10 lots, street trees shall be planted along all streets where suitable street trees do not exist.
2. Street trees shall be planted at intervals of not more than 45 feet, or an equivalent number shall be planted in an informal arrangement.
3. Street trees shall not be planted opposite each other but shall alternate.
4. At intersections, trees shall be located no closer than 30 feet from the intersection of the street right-of-way lines.
5. Where the planting strip between the curb and sidewalk is less than seven feet wide, the street trees shall be planted on the lots.
6. Street trees and other required plants shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests, and disease, and suitable for street use and durable under the maintenance contemplated.
7. The minimum trunk diameter measured at a height of six inches above the finished grade level shall be a minimum of 2-1/2 inches.
8. In particular, approved trees for street planting include the following:

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- A. *Acer ginnala* – American Maple
  - B. *Acer platanoides* – Norway Maple
  - C. *Acer saccharum* – Sugar Maple
  - D. *Fraxinus americana* – White Ash
  - E. *Fraxinus pennsylvanica lanceolata* – Green Ash
  - F. *Ginkgo biloba* – Ginkgo (male)
  - G. *Liquidambar styraciflua* – Sweet Gum
  - H. *Liriodendron Tulipifera* – Tulip Tree
  - I. *Phellodendron amurense* – Amur Cork Tree
  - J. *Platanus acerifolia* – London Plane Tree
  - K. *Quercus alba* – White Oak
  - L. *Quercus borealis* – Red Oak
  - M. *Quercus coccinea* – Scarlet Oak
  - N. *Quercus phellos* – Willow Oak
  - O. *Tilia-Linden* – All species hardy to the area
  - P. *Zelkova Serrata* – Japanese Zelkova
9. Where buffer strips are required along two different land uses and along the rear of reverse-frontage lots, an evergreen planting screen shall be used to provide an adequate visual barrier. The plant material used shall be of a minimum height of four feet at the time of planting and shall be planted in a staggered arrangement in order to provide an immediate effect. Deciduous and semi-deciduous shrubs may be used with evergreens to provide an immediate effect and to provide accent and color. The following are evergreens recommended for screening purposes:
- A. *Pinus strobus* – White Pine
  - B. *Picea abies* – Norway Spruce
  - C. *Pinus nigra* – Australian Pine
  - D. *Thuja orientalis* – Oriental Arbor-vitae

- E. *Tsuga canadenses* – Canadian Hemlock
- F. *Tsuga caroliniana* – Carolina Hemlock

**§22-522. [Reserved]**

(Ord. 157, 6/11/1979, Art. V, §522; as amended by Ord. 226, 8/14/2000; §1)

**§22-523. Wetlands.**

1. Wetlands. Wetlands are areas of undrained, saturate soils supporting wetland vegetation, where the water table is at or near the surface or where shallow water covers the area due to permanent or seasonal inundation of surface or ground water. Such areas shall not be altered, regraded, filled, piped, diverted or built upon, except for minor road crossings where design approval is obtained from the municipality, where State and Federal permits have been obtained, and where no other reasonable access is available.
  - A. Delineation of Wetlands — When a site contains hydric soils and/or an area with a predominance of wetlands vegetation, an on-site investigation shall be conducted to determine if wetlands are present on the site. A landowner or an applicant shall use one of the following methods to delineate wetlands;
    - (1) Wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Borough. The study must be approved by the Borough Council.
    - (2) A wetlands delineation validated by the U.S. Army Corps of Engineers. In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from a wetlands boundary derived from method (1) above, the Corps delineation will govern.
2. Wetlands Margin. Wetlands margin is the transitional area extending from the outer limit of the wetland. For the purposes of this Ordinance, the wetlands margin shall extend 75 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. No part of such areas shall be altered, regraded, filled or built upon.

(Ord. 157, 6/11/1979, Art. V; as added by Ord. 201, 1/13/1992, §2)

## SUBDIVISION AND LAND DEVELOPMENT

### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
<i>Acer negundo</i> L.	Box Elder
<i>Acer saccharinum</i> L.	Silver Maple
<i>Acorus calamus</i> L.	Sweetflag
<i>Agrostis alba</i> L.	Redtop
<i>Alisma subcordatum</i> Raf.	Subcordate Waterplantain
<i>Alnus serrulata</i> (Ait.) Willd.	Hazel Alder
<i>Amaranthus cannabinus</i> (L.) Sauer	Tidemarsch Waterhemp
<i>Amorpha fruticosa</i> L.	Dull-Leaf Indigo
<i>Andropogon gerardii</i> Vitman	Big Bluestem
<i>Andropogon glomeratus</i> (Walt.) B.S.P.	Bushybeard Bluestem
<i>Andropogon virginicus</i> L.	Broomsedge Bluestem
<i>Arisaema triphyllum</i> (L.) Schott	Indian Jack-in-the-Pulpit
<i>Aronia arbutifolia</i> (L.) Ell.	Red Chokecherry
<i>Aronia melanocarpa</i> (Michx.) Ell.	Black Chokecherry
<i>Asclepias incarnata</i> L.	Swamp Milkweed
<i>Aster umbellatus</i> Mill.	Flattop Aster
<i>Betula nigra</i> L.	River Birch
<i>Bidens</i> (all species)	Beggarticks
<i>Boehmeria cylindrical</i> (L.) SW.	Smallspike False-Nettle
<i>Calamagrostis canadensis</i> (Michx.) Beauv.	Bluejoint Reedgrass
<i>Calamagrostis cinnoides</i> (Muhl.) Barton	Hairyseed Reedgrass
<i>Caltha palustris</i> L.	Marsh Marigold
<i>Cardamine bulbosa</i> (Schreb.) B.S.P.	Bulb Bittercress
<i>Cardamine pensylvanica</i> Muhl. Ex Willd.	Pennsylvania Bittercress
<i>Carex</i> (all species)	Sedge
<i>Cephalanthus occidentalis</i> L.	Common Buttonbush
<i>Chelone glabra</i> L.	White Turtlehead
<i>Chrysosplenium americanum</i> Schweinitz	Golden Saxifrage
<i>Cicuta bulbifera</i> L.	Poison Waterhemlock
<i>Cicuta maculata</i> L.	Common Waterhemlock
<i>Cinna arundinacea</i> L.	Stout Woodreed

### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
<i>Clethra alnifolia</i> L.	Summersweet Clethra
<i>Conium maculatum</i> L.	Poison Hemlock
<i>Cornus amomum</i> Mill.	Silky Dogwood
<i>Cyperus</i> (all species)	Flatsedge
<i>Decodon verticillatus</i> (L.) Ell.	Water Willow
<i>Dulichium arundinaceum</i> (L.) Britt.	Three-Way-Sedge
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter Millet
<i>Eleocharis</i> (all species)	Spikerush
<i>Epilobium coloratum</i> Biehler	Purpleleaf Willowweed
<i>Equisetum fluviatile</i> L.	Water Horsetail
<i>Equisetum hyemale</i> L.	Scouringrush Horsetail
<i>Eragrostis hypnoides</i> (Lam.) B.S.P.	Teal Lovegrass
<i>Eragrostis pectinacea</i> (Michx.) Nees.	Carolina Lovegrass
<i>Eupatoriadelphus dubius</i> (all species)	Joe-Pye Weed
<i>Eupatorium perfoliatum</i> L.	Boneset
<i>Eupatorium pilosum</i> Walter	Hairy Thoroughwort
<i>Euthamia graminifolia</i> (L.) Nutt.	Grass-Leaved Goldenrod
<i>Fraxinus nigra</i> Marshall	Black Ash
<i>Fraxinus pennsylvanica</i> Marshall	Green Ash
<i>Galium obtusum</i> Bigel.	Bluntleaf Bedstraw
<i>Galium parisiense</i> L.	Wall Bedstraw
<i>Galium tinctorium</i> L.	Dye Bedstraw
<i>Glyceria</i> (all species)	Mannagrass
<i>Helenium autumnale</i> L.	Common Sneezeweed
<i>Heteranthera reniformis</i> R. & P.	Roundleaf Mudplantain
<i>Hibiscus mosocheutos</i> L.	Rose Mallow
<i>Hydrophyllum virginianum</i> L.	Virginia Waterleaf
<i>Hypericum mutilum</i> L.	Dwarf St. Johnswort
<i>Ilex verticillata</i> (L.) A. Gray	Winterberry
<i>Impatiens capensis</i> Meerb.	Spotted Touch-Me-Not
<i>Impatiens pallida</i> Nutt.	Pale Touch-Me-Not

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### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
<i>Iris pseudacorus</i> L.	Yellow Iris
<i>Iris versicolor</i> L.	Blueflag Iris
<i>Juncus</i> (all species)	Rush
<i>Laportea canadensis</i> (L.) Wedd.	Canada Woodnettle
<i>Leersia oryzoides</i> (L.) Swartz	Rice Cutgrass
<i>Leersia virginica</i> Willd.	Whitegrass
<i>Leucothoe racemosa</i> (L.) Gray	Swamp Leucothoe
<i>Lindera benzoin</i> (L.) Blume	Spicebush
<i>Liquidambar styraciflua</i> L.	Sweetgum
<i>Ludwigia</i> (all species)	Seed-Box
<i>Lycopus</i> (all species)	Bugleweed
<i>Lyonia ligustrina</i> (L.) DC.	Male-Berry
<i>Lysimachia</i> (all species)	Loosestrife
<i>Lythrum salicaria</i> L.	Purple Loosestrife
<i>Magnolia virginiana</i> L.	Sweetbay
<i>Mentha X piperita</i> L.	Peppermint
<i>Mertensia virginica</i> (L.) Pers.	Virginia Bluebells
<i>Mimulus ringens</i> L.	Monkey-Flower
<i>Myosotis scorpioides</i> L.	True Forget-Me-Not
<i>Nasturtium officinale</i> R. Br.	Watercress
<i>Nuphar luteum</i> (L.) Sibth. & J.E. Smith	European Cowlily
<i>Onoclea sensibilis</i> L.	Sensitive Fern
<i>Osmunda</i> (all species)	Fern
<i>Panicum longifolium</i> Torr.	Long-Leaved Panic-Grass
<i>Panicum rigidulum</i> Bosc. Ex Nees.	Redtop Panicum
<i>Peltandra virginica</i> (L.) Kunth.	Arrow-Arum
<i>Phalaris arundinacea</i> L.	Reed Canarygrass
<i>Phragmites australis</i> (Cav.) Trin. Ex Steud.	Giant Cane
<i>Polygonum amphibium</i> L.	Water Knotweed
<i>Polygonum arifolium</i> L.	Halberdleaf Tearthumb
<i>Polygonum hydropiper</i> L.	Marshpepper Knotweed

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<b>Scientific Name</b>	<b>Common Name</b>
<i>Polygonum hydropiperoides</i> Michx.	Swamp Knotweed
<i>Polygonum pennsylvanicum</i> L.	Pennsylvania Smartweed
<i>Polygonum punctatum</i> Ell.	Dotted Smartweed
<i>Polygonum sagittatum</i> L.	Arrow-Leaved Tearthumb
<i>Polygonum scandens</i> L.	Hedge Cornbind
<i>Pontederia cordata</i> L.	Pickernelweed
<i>Quercus bicolor</i> Willd.	Swamp White Oak
<i>Quercus palustris</i> Muench.	Pin Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Ranunculus sceleratus</i> L.	Celeryleaf Buttercup
<i>Ranunculus septentrionalis</i> Poir.	Swamp Buttercup
<i>Rhododendron viscosum</i> (L.) Torr.	Swamp Azalea
<i>Rhynchospora capitellata</i> (Michx.) Vahl	False Bog Rush
<i>Rorippa palustris</i> (L.) Besser	Marsh Yellowgrass
<i>Rorippa sylvestris</i> (L.) Besser	Creeping Yellowgrass
<i>Rosa palustris</i> Marshall	Swamp Rose
<i>Sagittaria</i> (all species)	Arrowhead
<i>Salix</i> (all species)	Willow
<i>Saururus cernuus</i> L.	Lizard's Tail
<i>Scirpus</i> (all species)	Bulrush
<i>Scutellaria integrifolia</i> L.	Rough Skullcap
<i>Scutellaria lateriflora</i> L.	Blue Skullcap
<i>Sium suave</i> Walt.	Common Waterparsnip
<i>Smilax hispida</i> Muhl.	Bristly Greenbriar
<i>Sparganium</i> (all species)	Burreed
<i>Spiraea latifolia</i> (Ait.) Borkh.	Broadleaf Meadowsweet Spiraea
<i>Spiraea tomentosa</i> L.	Hardhack
<i>Symplocarpus foetidus</i> (L.) Nutt.	Common Skunkcabbage
<i>Thelypteris thelypteroides</i> (Michx.) J. Holub	Marsh Fern
<i>Triadenum virginicum</i> (L.) Raf.	Marsh St. Johnswort
<i>Typha angustifolia</i> L.	Narrow-Leaved Cattail

SUBDIVISION AND LAND DEVELOPMENT

**Bucks County Wetlands Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
Typha latifolia L.	Common Cattail
Ulmus americana L.	American Elm
Ulmus rubra Muhl.	Slippery Elm
Vaccinium corymbosum L.	Highbush Blueberry
Vaccinium macrocarpon Ait.	Large Cranberry
Verbena hastata L.	Blue Verbena
Viburnum dentatum L.	Arrow-Wood
Viburnum recognitum Fernald	Arrow-Wood
Woodwardia areolata (L.) T. Moore	Netted Chainfern
Zizania aquatica L.	Annual Wildrice

(Ord. 157, 6/11/1979, Art. V; as added by Ord. 201, 1/13/1992, §2)

**§22-524. Stormwater Management.**

All subdivisions and land developments shall comply with the Richlandtown Borough Stormwater Management Ordinance, Ordinance No. 157, adopted on June 11, 1979, as amended. Requirements of the Stormwater Management Ordinance shall be in addition to, and not in lieu of, requirements set forth within this Section.

A. General Requirements.

- (1) Lots shall be laid out and graded with a minimum slop of 2% to provide positive drainage away from buildings. The Borough may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.
- (2) On-lot drainage swales shall be designed to provide positive conveyance of surface water from individual lot. Each swale lot shall convey stormwater from the lot to a storm sewer system, street, open space area, or stormwater management easement without crossing or combining with stormwater from more than the adjacent lot.
- (3) Drainage swales necessary to control surface drainage between lots shall be centered about the common property line.
- (4) No person, corporation, or other entity shall block, impede the flow, alter, construct any structure, or deposit any material or things, or commit any act which will affect normal or flood flow in any stream or



watercourse without having obtained prior approval from the Borough and/or Department of Environmental Protection, whichever is applicable.

- (5) Whenever a watercourse, perennial stream or intermittent stream is located within a development site, it shall remain open in its natural state and location, and shall not be piped (except for road crossings). It is the responsibility of the developer to stabilize existing eroded stream/channel banks.
- (6) Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of stormwater runoff from the 100 year return storm event. Terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater runoff within any portion of the easement. Periodic maintenance of the easement to ensure proper runoff conveyance shall be required by the landowner.
- (7) Existing points of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
- (8) Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at a minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Section. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise prove that no harm will result from the concentrated discharge.
- (9) Any drainage facilities required by this Section that are located on, or discharge to, a State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
- (10) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in swales, watercourse channels and at all points of discharge.
- (11) Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions permit, to reduce the size or eliminate the need for retention/detention facilities.

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- (12) Roof drains and sump pumps shall be discharged to a natural watercourse, drainage swale, or stormwater easement. Roof drains and sump pumps shall not be connected to a storm sewer or street unless designed as part of a stormwater management facility. In no case shall roof drains or sump pumps be connected to a sanitary sewer.

### B. Storm Drainage System Requirements.

- (1) Any proposed storm drainage plans which affect the drainage basin in any stream or watercourse shall be approved by the Division of Dams and Waterway Management of the Pennsylvania Department of Environmental Protection in accordance with the Title 72, Chapter 105, as amended.
- (2) Easements shall be dedicated to the Borough along all natural or manmade streams and watercourses and/or stormwater management facility areas within a subdivision or land development. These easements shall be of sufficient width to convey a 100-year design storm. Easements shall be provided where storm drainage swales, culverts, or other structures traverse, enter or discharge onto private property. On private property, the entire easement area and fencing and landscaping (if any) shall be maintained by the property owner. The Borough shall not maintain and/or repair any improvements within that easement unless stormwater runoff from public roads or public park land crosses through the easement. If stormwater runoff from public roads or public lands cross through the easement, the Borough shall, upon satisfactory installation of improvements as specified in a Developer's Improvement Agreement and Maintenance Agreement, maintain and repair only the structural stormwater management improvements within the easement such as:
  - (a) Piping.
  - (b) Inlets.
  - (c) Outlet, Headwalls.
  - (d) Energy Dissipation Structures or Facilities.
  - (e) Stormwater Management Facility Control Structures.

The landowner shall be responsible for all other maintenance and repairs within this easement. For example, the landowner must:

- (a) Mow the lawn.
- (b) Repair or replace fencing.

- (c) Repair or replace landscaping.
  - (d) Control vermin and repair damage from animals.
  - (e) Keep the area free of obstructions, structures, vegetation, or accumulated sediment that may block or hinder the function and purpose of the easement.
  - (f) Keep the area free of litter or garbage.
  - (g) Repair erosion and restore vegetation as necessary to keep the easement in good repair.
- (3) Storm sewers, culverts and relate installations shall be provided to permit the flow of natural watercourses, to ensure the drainage of all low points (except in protected “wetlands”) on the subdivided lots or developed land areas and along the line of streets, and to intercept stormwater runoff along the streets at intervals related to the extent and grade of the area drained. The system shall also be designed to accommodate or receive and discharge all runoff from adjacent upstream properties. Where adequate existing storm sewers are readily accessible, the developer must connect new stormwater facilities to the existing system.
- (4) Flood Protection. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without proper and approved provisions being made to address these conditions.
- (5) Whenever the location of concentrated runoff from a site is changed due to development, the developer must secure written approval from any adjacent downstream property owners. The developer shall indemnify and/or hold harmless the Borough against any claim of damage from any downstream property owners that may result from the proposed development.
- (6) Scour and Erosion Prevention. In areas in which the street curbs are not required by either this Chapter or by the Borough, drainage may be accomplished by natural or artificial swales and culverts. Special structure such as check dams, drop-outlets, concrete flow channels or other energy dissipating structures, rip-rap or non-degradable geotextile linings, may be required to prevent scour or erosion in locations with large runoff quantities or steep slopes. Bituminous paved swales will not be permitted.
- (7) All proposed streets shall be designed so as to discharge surface water from their rights-of-way. Storm drainage improvements as deemed

## SUBDIVISION AND LAND DEVELOPMENT

necessary by the Borough shall be required along all existing streets on which a subdivision or land development abuts.

- (8) Design Criteria. Unless a more conservative design is required by another regulation, or is required because of conditions particular to an individual development, the following storm criteria shall be used to design storm collection and conveyance systems:

	<b>Design Storm Return (years)</b>
Fixed Pipe	10
Total Conveyance	100

- (9) Design Preparation. Designs of storm drainage systems shall be prepared by a licensed professional engineer. Complete detail calculations shall be submitted to the Borough for review. Calculations shall cover the entire drainage basin involved, including consideration of areas outside the proposed subdivisions or developed land areas.
- (10) Setback to Boundaries. No piped storm sewer system outlet, detention basin, or energy dissipation structure shall discharge closer than 20 feet from the boundary of any drainage easement under the control of the developer or which may be utilized by the developer, so as to allow for adequate space for stormwater dissipation in vegetated land areas controlled by or available to the developer and/or to allow adequate space for equipment access for future maintenance.

### C. Collection System Design.

- (1) The collection system shall be designed by the Rational Method of Design in accordance with American Society of Civil Engineers Manual No. 37 except where noted, using the formula  $Q=CiA$ , unless otherwise approved by the Borough.
- (a) Capacity. "Q" is the required capacity in cubic feet per second for the collection system at the point of design.
- (b) Runoff Coefficient. "C" is the runoff coefficient applicable to the entire drainage area. It shall be based on consideration of soil conditions, average slope of the drainage area and the ultimate development of the entire drainage area according to comprehensive plans. For the various types of ultimate development, the runoff coefficient shall be taken from the table in Appendix "C" unless sufficient engineering data has been presented to the Borough Engineer by the Developer which information in the judgment of the Borough Engineer is sufficient to warrant the use of an alternate runoff coefficient.

- (c) Rainfall Intensity Formula. “i” is the rainfall intensity in inches per hour and shall be determined from rainfall intensity charts for this area, based on time of concentrations, including Overland Flow Time, Manning’s Formulae for channelized flow time and pipe flow time. The design rainfall frequency shall be taken from the PennDot Intensity-Duration-Frequency Field Manual, Region 4 as presented in Appendix “C.”
    - 1) A five minute storm duration shall be used if the duration does not result in maximum expected discharge that exceeds the capacity of a 30 inch pipe.
    - 2) If a five minute storm duration results in a pipe size exceeding 30 inches, the time of concentration approach shall used in determining storm duration.
    - 3) If a five minute storm duration results in a pipe size exceeding 30 inches, within any run of pipe, the time of concentration approach may be used for sizing of pipes from that point on by adjusting the time of concentration.
  - (d) Drainage Area. “A” is the drainage area, in areas, tributary to the point of design, and shall include areas tributary from outside sources as well as from within the subdivision or developed land area itself.
- (2) Collection System Standards.
- (a) Curb Inlets. Curb inlets shall be located at curb tangents on the uphill side of street intersection, and at intervals along the curb line to control the maximum amount of encroachment of runoff on the roadway pavement so that same does not exceed 1/2 of the traveled land width during the design storm event. Design and location of curb inlets shall be approved by the Borough.
  - (b) State Approvals. Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a copy of the Highway Occupancy Permit shall be submitted to the Borough.
  - (c) Pipe Materials. All storm piping shall be Class III reinforced concrete pipe, except when pipe class and strength is required to be increased in accordance with PennDOT Specifications. Piping shall be saw-cut at ends, as needed, and not hammered or broken. All pipe joints and lift holes must be mortared.
  - (d) Minimum Pipe Size. Minimum pipe size shall be 18 inches.

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- (e) Inlet and Manhole Construction. Inlet and manhole castings and concrete construction shall be equivalent to Pennsylvania Department of Transportation Design Standards.
- (f) Roof Drainage. Stormwater roof drains and pipes shall not discharge water over sidewalks or walkways.
- (g) Open end pipes must be fitted with concrete endwalls or wing walls in accordance with PennDOT Standards.
- (h) Open culvert endwalls or wing walls for pipes larger than 18 inches in diameter and longer than 60 feet in length shall be fitted with durable protective grates. Design of protective grates is subject to approval by the Borough.
- (i) Flow Velocity. Storm drains shall be designed to produce a minimum velocity of 3.0 feet per second when flowing full. The maximum permissible velocity shall be 15.0 feet per second. However, in no case shall the pipe slope be less than 0.5%.
- (j) Inlets and manholes shall be spaced at intervals not exceeding 300 feet, and shall be located wherever branches are connected or sizes are changed, and wherever there is a change in alignment or grade. For drainage lines of at least 36 inches diameter, inlets and manholes may be spaced at intervals of 400 feet. Manholes shall be equipped with open grate lids.
- (k) Storm sewer bedding/backfill requirements shall conform to the construction details included in Appendix "A."
- (l) Inlets shall be located to intercept concentrated runoff prior to discharge over public/private rights-of-way, sidewalks, streets and driveways.
- (m) The capacity of all inlets shall be based on a maximum surface flow to the inlet of 4.0 cfs, calculated based on the design storm event. The maximum flow to inlets located in low points (such as sag vertical curves) shall include the overland flow directed to the inlet as well as all bypass runoff from upstream inlets. The bypass flow from upstream inlets shall be calculated using inlet efficiency curves included in PennDOT Design Manual Part 2, latest edition. If the surface flow to in inlet exceeds 4.0 cfs, additional inlets shall be provided upstream of the inlet to intercept the excessive surface flow.
- (n) A minimum drop of two inches shall be provided between the inlet and outlet pipe invert elevations within all inlets and

manholes. When varying pipe sizes enter an inlet or manhole, the elevation of the crown of all pipes shall be matched.

- (o) Storm sewer pipes shall have a minimum of 12 inches of cover over the bell of the pipe, and in no case shall any part of the pipe project into the road subbase or curb. Where cover is restricted, equivalent pipe arches may be specified in lieu of circular pipe.
  - (p) The capacity of all storm sewer pipes shall be calculated utilizing the Manning Equation for open channel flow as applied to closed conduit flow. The Manning's roughness coefficient shall be 0.13 for all concrete pipe. In cases where pressure flow may occur, the hydraulic grade line shall be calculated throughout the storm sewer system to verify that at least one foot of free-board will be provided in all inlets and manholes for the design storm event.
  - (q) Culverts shall be designed based on procedures contained in Hydraulic Design of Highway Culverts, HDS #5, U.S. Department of Transportation, Federal Highway Administration.
  - (r) Storm sewer structures (i.e., endwalls, inlets, end sections, etc.) may not be located on top of or within 10 feet of electric, water, sanitary sewer, and gas services and/or mains, unless approval is received from the Borough, and from the Authority of Utility having jurisdiction over same.
  - (s) Storm sewer pipes must be oriented at right angles to electric, water, sanitary sewer and gas utilities when crossing above or beneath same. Crossing angles of less than 90° will only be permitted at discretion of the Borough Engineer. When skewed crossings are permitted, interior angles between alignment of the storm sewer pipe and utility may not be less than 45°. Vertical and horizontal design of storm sewer must be linear.
  - (t) Where a public storm sewer system is not located within a right-of-way, or dedicated public property, a 20 feet wide easement shall be established to encompass the storm sewer system. For multiple pipes or utilities, the width of the easement shall be a minimum of 30 feet.
- (3) Open Swales and Gutters. Open swales shall be designed on the basis of Manning's Formula as indicated for collection systems with the following considerations:
- (a) Roughness Coefficient. The roughness coefficient shall be 0.040 for earth swales.

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- (b) Bank Slopes. Slopes for swale banks shall not be steeper than one vertical for three horizontal.
  - (c) Flow Velocity. Design velocity in grass or vegetated swales shall not exceed four feet per second.
  - (d) To minimize sheet flow of stormwater across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross-section of the street as constructed shall provide for parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements, unless otherwise approved by the Borough.
  - (e) Gutters and swales adjacent to road paving shall be permitted to carry a maximum flow of five cubic feet per second prior to discharge away from the street surface, unless it is proven to the satisfaction of the Borough by engineering calculation that the road slopes or other factors would allow higher gutter or swale capacity.
  - (f) Flows larger than those permitted in gutters and roadside swales may be carried in swales outside the required road right-of-way in separate drainage easements, or may be carried in pipes or culverts inside or outside the required road right-of-way.
  - (g) Swales shall be stabilized with vegetation or other materials, approved by the Borough, to prevent erosion.
  - (h) Swales shall be provided with u-drains as deemed necessary by the Borough should overland seepage result in potential maintenance problems for same. U-drains must discharge into a natural drainage channel or storm sewer system.
- (4) Bridges and Culverts. Bridges and culverts shall be designed in accordance with Pennsylvania Department of Transportation Construction Standards. Separate design plans and specifications shall be required for each bridge and culvert which plans and specifications shall be subject to review and approval of the Borough.

(Ord. 157, 6/11/1979; as amended by Ord 226, 8/14/2000, §II)

### **§22-525. Excavation and Grading.**

All construction wherein excavation, placement of fill and/or grading activities are performed shall conform with the following general requirements:



- A. No excavation or fill shall be made with a face steeper than three horizontal to one vertical, except under on or both of the following conditions:
  - (1) The material is sufficiently stable to sustain a steeper slope. A written statement to that effect from a professional engineer licensed in the Commonwealth of Pennsylvania and experienced in erosion control shall be submitted to the Borough. The statement shall affirm that the site has been inspected and the deviation from the slope restriction shall not result in injury to persons or damage to property. A detail of the treatment of the slope (proposed grade, seeding, erosion protection, etc.), shall be submitted with the application.
  - (2) A concrete, masonry or other approved retaining wall is designed by a registered professional engineer licensed in the Commonwealth of Pennsylvania constructed to support the face of the excavation or fill.
- B. If the vertical drop of an excavation or fill slope is greater than five feet, then the maximum slope shall not exceed four horizontal to one vertical.
- C. The top or bottom edges of slopes shall be a minimum of five feet from property lines or right-of-way lines of streets in order to permit the normal rounding of the edge without encroachment on abutting property.
- D. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavation and the sloping surfaces of fills.
- E. No person, corporation or other such entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing or perform any work that will affect the normal or flood flow in any stream or watercourse without having obtained prior approval from the Borough and/or Department of Environmental Protection, whichever is applicable.
- F. All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings and dispose of it without ponding, except where ponding (detention/retention facilities, swales, etc.) is part of the stormwater management plan for the site.
- G. Concentration of surface water run-off shall be permitted only in swales, watercourses or stormwater management facilities.
- H. In no case shall grading be done in such a manner as to divert water onto the property of another landowner unless part of a stormwater management plan.
- I. Earth disturbance/staging shall be in strict accordance with the approved grading and erosion/sedimentation control plan.

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- J. Areas of the site to remain undisturbed shall be protected from encroachment by construction equipment/vehicles to maintain the existing infiltration characteristics of the soil.
- K. The minimum depth of topsoil to be replace shall be eight inches, or the existing depth of topsoil encountered on the site, whichever is greater.
- L. Topsoil shall not be removed from the development site. Topsoil shall be stripped, stockpiled, and redistributed on the site. Prior to plan approval, the applicant/designee shall provide the Borough with calculations to determine the volume of topsoil anticipated to be stripped, stockpiled, and replaced on the site to verify that excess topsoil will not be generated as a result of construction activity.

(Ord. 157, 6/11/1979; as added by Ord. 226, 8/14/2000, §III)

### **§22-526. Erosion and Sedimentation Control.**

- 1. An erosion and sedimentation control plan shall be submitted with all applications wherein excavation, placement of fill, and/or grading activities are proposed. The plan shall include a construction staging narrative indicating the sequence of earthmoving activities, and proposed erosion and sedimentation control procedures. Measures used to control erosion and reduce sedimentation during construction activities shall strictly conform to the standards and specifications of the Bucks County Conservation District and sequence of earthmoving activities. At a minimum, the following measures shall be included where applicable:
  - A. Stripping of vegetation, regarding or other activities shall be kept to a minimum. Wherever feasible, natural vegetation shall be retained, protected and supplemented.
  - B. Cut and fill operations shall be kept to a minimum. Wherever feasible, natural vegetation shall be retained, protected and supplemented.
  - C. All erosion and sedimentation control measures shall be installed per the approved plan prior to any earthmoving activities. Where a stormwater management basin is involved, the basin shall be constructed, functional, and stabilized prior to any additional site activity. An as-built plan of the facility prepared by a registered professional land surveyor or engineer, licensed in the Commonwealth of Pennsylvania, shall be submitted to the Borough for review to verify adequate stage/storage capacity prior to commencement of other site activity. Plan must include note stating the same.
  - D. Disturbed earthen areas and duration of exposure shall be kept to a practical minimum, but shall not exceed 20 days. All disturbed soils and topsoil stockpile areas shall be stabilized as quickly as possible and, if necessary, seeded with temporary vegetation and mulched. If stockpile areas are lo-

cated on sloping ground or near waters of the Commonwealth, same shall be enclosed with silt fencing.

- E. Permanent vegetation shall be installed as soon as practical on all sites.
  - F. All runoff from project areas shall be collected and diverted to facilities for removal of sediment.
  - G. Runoff from a project area shall not be discharged into the waters of the Commonwealth without means to prevent sedimentation.
  - H. Sedimentation in the runoff water shall be trapped and filtered until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.
  - I. Sediment barriers shall be properly installed with silt fencing trenched and hay bales staked.
  - J. Tire cleaning areas constructed of AASHTO #1 stone and at least 50 feet in length shall be provided at each point of access to the site and individual lots (once internal streets are constructed).
  - K. During construction activities, necessary measures for dust control must be exercised.
  - L. It shall be the responsibility of each person, corporation or other entity performing grading and/or building activities to install and maintain erosion and sedimentation controls until the site is stabilized. In the event any mud and/or debris is transported from the site onto a public roadway, the debris shall be removed and the roadway swept and/or washed as deemed necessary by the Borough at the owner's expense.
2. Design of energy dissipation for high volume and/or high velocity discharge from storm sewer pipes and channels shall be in accordance with Hydraulic Engineering Circular No. 14, "Hydraulic Design of Energy Dissipaters for Culverts and Channels" as published by Department of Transportation, FHA, when deemed necessary by the Borough Engineer, and as approved by the Bucks County Conservation District."
3. Design of Reno mattress and gabions shall be in accordance with any of the following publications:
- A. "Flexible Linings In Reno Mattress and Gabions for Canals and Canalized Water Courses" (as amended) published by Maccaferri.
  - B. "Flexible Gabion Structures In Earth Retaining Works" (as amended) published by Maccaferri.

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- C. Any other similar technical publications as prepared by a manufacturer or which has been prepared based on engineering study.
- 4. Improvements shall be made to drainage channels, roadside swales and areas of shallow concentrated or sheet flow to eliminate existing erosion.

(Ord. 157, 6/11/1979; as added by Ord. 266, 8/14/2000, §IV)

## PART 6

### REQUIRED IMPROVEMENTS

#### **§22-601. Purpose.**

1. The purpose of this Part is to establish and define the public improvements which will be required by the Borough to be constructed or cause to be constructed by the applicant. Inspection of improvements shall be the responsibility of the Borough.
2. All improvements shall be constructed in accordance with the specifications of the Borough.

(Ord. 157, 6/11/1979, Art. VI, §601)

#### **§22-602. Application.**

1. The improvements included in this Part are minimum requirements. However, the Richlandtown Borough Council reserves the right in any case to increase the same if conditions so warrant.
2. If any mandatory provisions of this Chapter are shown by the applicant to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Borough Council may grant a variance to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance, and that the full enforcement of the provisions is not necessary to maintain or protect the public interest.
3. In granting variances and modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. 157, 6/11/1979, Art. VI, §602)

#### **§22-603. Revision of Plans.**

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Borough Council with the advice of the Engineer shall be secured before the execution of such changes.

(Ord. 157, 6/11/1979, Art. VI, §603)

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### **§22-604. Maintenance.**

Adequate provisions for the satisfactory maintenance of all streets shall be made by dedication to, and acceptance for maintenance by, the Borough, or by other acceptable means.

(Ord. 157, 6/11/1979, Art. VI, §604)

### **§22-605. Streets.**

1. The construction of streets, roads, lanes, and driveways, as shown upon final plans and as contained in contract agreements, shall in every respect conform to such requirements as the Borough may, by resolution, require for the construction of streets.
2. Specifications. The minimum requirements for improvements shall be those contained in the Pennsylvania Department of Transportation's Specifications (Form 408) as last revised.
3. All streets shall be graded to:
  - A. The grades shown on the street profiles and cross section plan submitted and approved with the final plan.
  - B. The full width of the right-of-way.
4. Along the existing street on which a subdivision or land development abuts (hereinafter called a boundary street) improvements shall be made to the street. The improvements to the boundary street shall be determined by the width of the required cartway and built to the specifications established by the Borough. At the discretion of the Borough, an escrow account may be established to be used by the Borough for the improvement of the cartway to the required standards.

(Ord. 157, 6/11/1979, Art. VI, §605)

### **§22-606. Street Signs.**

1. The developer shall erect at every street intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two such street signs and at the intersections where one street ends or joins with another street, there shall be at least one such street sign.
2. Street signs are to be erected when the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the Borough but shall be made permanent before final offer for the dedication of the streets is made.

(Ord. 157, 6/11/1979, Art. VI, §606)

**§22-607. Street Lights.**

When appropriate, the owner shall install or cause to be installed, at the owner's expense, metal pole street lights serviced by underground conduit in accordance with a plan to be prepared by the owner's engineer and approved by the Pennsylvania Power & Light Company and by the Borough Council. The equipment of metal poles may be waived in such instances as approved by the Borough Council due to the existence of wooden poles already in place. Provision shall be made for energizing said lighting after 50% or more of the dwellings in a given subdivision or land development or section of a subdivision or land development have been occupied. The owner shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by the Borough.

(Ord. 157, 6/11/1979, Art. VI, §607)

**§22-608. Monuments.**

1. Monuments shall be placed at each change in direction of boundary; two to be placed at each street intersection and one on one side of each street at angle points and at the beginning and end of curves. Utility easements shall be monumented at their beginning and ending points; and areas to be conveyed for public use shall be fully monumented at their external boundaries.
2. Monuments shall be placed in the ground after final grading is completed, at a time specified by the Borough Engineer. The monument shall be concrete, the size and length as may be approved by the Borough Engineer.
3. All monuments shall be checked for accuracy by the Borough Engineer, or their accuracy certified by the owner's engineer. Accuracy of a monument shall be within three one-hundredths of a foot.

(Ord. 157, 6/11/1979, Art. VI, §608)

**§22-609. Sidewalks.**

1. Sidewalks shall be constructed as required by §22-507. These standards shall apply on all new streets and on existing streets, unless in the opinion of the Planning Commission and Borough Council they are unnecessary for public safety and convenience.
2. All sidewalks shall be constructed in accordance with §22-518 of this Chapter and Borough specifications.

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3. It is required to install sidewalks, on-site walks and curbs for convenience and access to all living units from streets, driveways, parking areas or garages, and for convenient circulation and access to all project facilities.
4. Width, alignment and gradient of walks shall provide safety, convenience and appearance for pedestrian traffic. Small jobs in the alignment shall be avoided.
5. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.

(Ord. 157, 6/11/1979, Art. VI, §609)

### **§22-610. Curbs.**

1. Curbs shall be provided as required in §22-516, unless in the opinion of the Engineer they are unnecessary.
2. All curbs shall be designed and constructed in accordance with the standards and specifications of the Borough.

(Ord. 157, 6/11/1979, Art. VI, §610)

### **§22-611. Storm Sewerage System.**

The owner shall construct storm water drainage facilities, including curbs, catch basins and inlets, storm sewers, culverts, road ditches, open channels and other structures in order to prevent erosion, flooding and other hazards to life and property. All such facilities are to be of a adequate size and grade to hydraulically accommodate maximum potential volumes of flow; and size, type and installation of all storm drains and sewers shall be constructed in accordance with the plans

(Ord. 157, 6/11/1979, Art. VI, §611)

### **§22-612. Public Water Supply.**

1. The owner shall construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or land development. A minimum pressure of 20 pounds per square inch shall be provided at each house or other building to be connected to the water supply main. The water supply must comply with the regulations and the standards of the State Department of Environmental Protection. [A.O.]



2. The system shall also be designed with adequate capacity and appropriately spaced fire hydrants for firefighting purposes. Review and approval by the Borough volunteer fire official shall be required in order to ensure that adequate fire protection is provided.

(Ord. 157, 6/11/1979, Art. VI, §612; as amended by A.O.)

**§22-613. Public Sanitary Sewers**

1. All lots within the Borough limits shall be connected to the Richland Sanitary Sewer System. Where a sanitary sewer is not yet accessible, but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot when connection with the Richland Sanitary Sewer System is made. The sewer lines shall be suitably capped at the limits of the subdivision and the laterals shall be capped at the right-of-way line. The sewer installation shall include the construction within rights-of-way or easements to bring the sewer to the future connection within the Richland Sanitary Sewer System.
2. All public sanitary sewers shall be designed and constructed in accordance with the "Sewerage Manual" issued by the Pennsylvania Department of Environmental Protection and the Bucks County Water and Sewer Authority. [A.O.]

(Ord. 157, 6/11/1979, Art. VI, §613; as amended by A.O.)

**§22-614. Electric, Telephone and Communication Facilities.**

1. All electric, telephone and communication service facilities, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility and other companies providing such services, except where it is demonstrated to the satisfaction of the Borough Council that the underground installation required herein is not feasible because of the physical condition of the lands involved.
2. Where practicable, all utilities shall be located within the street right-of-way; otherwise, easements or rights-of-way of sufficient width for installation and maintenance shall be provided.
3. Final plans shall show locations of all utilities and shall be coordinated with required street tree planting.

(Ord. 157, 6/11/1979, Art. VI, §614)

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### **§22-615. Grading.**

Grading shall conform in all respects to the final plan.

(Ord. 157, 6/11/1979, Art. VI, §615)

### **§22-616. Planting.**

1. Street trees and other required planting shall be in accordance with 22-521 of this Part.
2. Street trees and other required plant material shall not be planted until the finished grading of the subdivision or land development has been completed.
3. Plans for proposed street tree planting or buffer zone plantings shall be reviewed and approved by the Borough Council.

(Ord. 157, 6/11/1979, Art. VI, §616)

### **§22-617. Community Facilities.**

Additional community facilities may be required to serve the proposed lots or dwellings in a subdivision or land development. Where a proposed park, playground or other public facility shown in the Comprehensive Plan or Community Facilities Plan or parts thereof is located in whole or in part in a subdivision or land development, the dedication or reservation of such area may be required by the Borough Council in those cases in which it deems such requirements to be reasonable.

(Ord. 157, 6/11/1979, Art. VI, §617)

## PART 7

### REQUIRED CONTRACTS

#### **§22-701. Improvements.**

1. No plat or plan shall be finally approved unless the streets shown on such plat or plan have been improved as required by this Chapter and any sidewalks, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and the improvements required by this Chapter have been installed in accordance with the terms of this Chapter. In lieu of the completion of any such improvements required as a condition for the final approval of the plat or plan, the developer shall deposit with the Borough financial security in an amount sufficient to cover the costs of any improvements or common amenities including but not limited to roads, stormwater detention and/or retention basins, and other related drainage facilities, recreational facilities, open space, improvements or buffer or screen plantings which may be required. Such financial security shall be deemed acceptable if it is in a form specifically permitted by the Pennsylvania Municipalities Planning Code, as from time to time, amended, and shall be posted in accordance with the terms of that statute. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required within the time fixed in the subdivision plan or plan for completion of such improvements. The amount of financial security shall be equal to 110% of the cost of the required improvements, which cost shall be established by submission to the Borough Council of bona fide bid or bids from the contractor or contractors chosen by the developer to complete the improvements, or in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Borough Engineer.
2. With respect to plans which heretofore have been approved, but for which no financial security has been required or provided, in lieu of the completion of improvements and if all such improvements have not been completed prior to final approval, no building permit for building, grading or other permits relating to the erection or placement of improvements, including buildings upon the lots, shall be issued unless and until all of the improvements have been completed in accordance with the terms of this Chapter, or unless and until financial security as set forth above shall have been provided in lieu of completion and shall have been posted as set forth above.

(Ord. 157, 6/11/1979, Art. VII, §701; as amended by Ord. 178, 3/10/1986, §1)

#### **§22-702. Contracts.**

In all cases where the necessary grading, paving and other street improvements required herein shall not have been installed in strict accordance with the standards and specifications of the Borough, the owner shall enter into a written agreement with the

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Borough in the manner and form approved by the Borough Solicitor, wherein owner shall agree, to the extent applicable:

- A. To construct or cause to be constructed at his own expense all streets, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers (including capped sewers), storm sewers and other improvements shown on said subdivision or land development plan, all in strict accordance with the standards and specifications of the Borough and within the time specified in said agreement.
- B. To make adequate provision with the Borough Engineer for the inspection of the construction of the aforesaid improvements to assure strict compliance with the Borough standards and specifications.
- C. To maintain at his own cost the said streets, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers (including capped sewers), storm sewers and other improvements for the period of one year after completion of all required improvements. The date of completion shall be established by certificate of the Borough Engineer.
- D. To pay all costs, charges or rates of the utility furnishing electric service for the street lighting facilities installed by the owner until such time as the streets shown on the subdivision or land development plan shall have been accepted or condemned by the Borough for public use, and to indemnify and save harmless the Borough from and against all suits, actions, claims and demands for electric service as aforesaid, or any part thereof, to the time that said streets shall be accepted or condemned as public streets in the manner hereinabove set forth.
- E. To post contemporaneous with the execution of such agreement a bond, with corporate surety approved by Borough Council, in an amount to be determined by the Borough Engineer and in a form approved by the Borough Engineer (or in lieu of a bond, cash or negotiable securities in escrow deposited in a bank approved by Borough Council pursuant to an escrow agreement in a form approved by the Borough Solicitor), conditioned upon the following:
  - (1) The owner's proper completion of the improvements as set forth in §22-701 of this Part, and
  - (2) The owner's maintenance and repair of the same for the period of one year following completion of all required improvements, and
  - (3) To pay all costs for electric service as provided in subsection (D) hereof, and
  - (4) The reimbursement of the Borough for all fees specified in subsection (F) hereof.

- F. To reimburse the Borough promptly for reasonable attorney's, engineer's and inspection fees.

(Ord. 157, 6/11/1979, Art. VII, §702)

**§22-703. Guaranty.**

In all cases where the necessary grading, paving and other street improvements required herein shall not have been installed in strict accordance with the standards and specifications of the Borough, no subdivision plan shall be approved unless and until a bond shall have been posted or escrow funds deposited as set forth in §22-702(c) of this Part, conditioned upon the owner's proper completion of the improvements and his maintenance and repair thereof for the period of one year following completion.

(Ord. 157, 6/11/1979, Art. VII, §703)



**PART 8**  
**PLAN REQUIREMENTS**

**§22-801. Sketch Plan.**

A subdivision sketch plan may be submitted by the subdivider as a basis for informal discussion with the Borough Planning Commission:

- A. Name of subdivisions or land development.
- B. Name and address of the owner/applicant.
- C. Name and address of engineer, surveyor or architect.
- D. Tract boundaries.
- E. North point.
- F. Location map.
- G. Streets on and adjacent to the tract.
- H. Significant topographical and physical features.
- I. Proposed general street layout.
- J. Proposed general lot layout.
- K. Contours-basis for topography; vertical datum base.

(Ord. 157, 6/11/1979, Art. VIII, §801)

**§22-802. Preliminary Plan.**

The preliminary plan shall show or be accompanied by the following information:

- A. Drafting Standards.
  - (1) The plan shall be drawn at a scale of one inch = 50 feet or 100 feet.
  - (2) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
  - (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

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- (4) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the currently proposed features.
- (5) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (6) The boundary line of the subdivisions shall be shown as a solid heavy line.

### B. General information to be shown:

- (1) Name of subdivision or land development.
- (2) Name and address of the owner/applicant.
- (3) Name and address of the registered engineer, surveyor or architect responsible for the plan.
- (4) Zoning requirements, including applicable district, lot size and yard requirements, and proof of any variances or special exceptions which may have been granted.
- (5) A location map for the purpose of locating the site to be subdivided at a scale of not less than 800 feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.
- (6) Total acreage of the tract.
- (7) Date, north point and scale.

### C. Existing Features.

- (1) Complete outline survey of the property to be subdivided or developed shall be provided, showing all courses, distances and area, and tie-ins to all adjacent intersections.
- (2) The location, names, and widths of streets, the location of property lines and names of owners, the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed.
- (3) Location of all existing monuments.



- (4) Locations, size and ownership of all underground utilities, and any rights-of-way or easements within the property.
- (5) Contours at vertical intervals of two feet for land with average natural slope of 4% or less; vertical intervals of five feet for more steeply sloping land. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
- (6) Location of existing buildings, species and size of large trees standing alone, the outline of all wooded areas, quarries, marshy areas and areas subject to inundation.

D. Proposed Layout.

- (1) The layout of streets, including width of the streets, alleys and crosswalks.
- (2) The layout and approximate dimensions of lots.
- (3) The arrangement of buildings and parking areas in commercial and multifamily developments with all necessary dimensions shall be noted on the plan.
- (4) For multifamily developments, the total areas, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and the bedroom ratio shall be on the plan.
- (5) A plan for the surface drainage of the tract to be subdivided shall be provided. A plan to control erosion during and after the construction period may be required. This plan will receive approval if it has been prepared by the Bucks County Soil and Water Conservation District and reviewed by the Borough Planning Commission.
- (6) Tentative typical cross-sections and center-line profiles shall be provided for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- (7) Lots for which other than a residential use is intended shall be indicated.
- (8) A plan of proposed planting shall be provided, showing the locations for street trees and the landscape treatment and reverse frontage lots and any required buffer strips.
- (9) For subdivisions, the total area, number of lots, lot area for each lot and length of proposed streets shall be noted on the plan and each lot numbered.

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- (10) Building setback lines, established by zoning or other ordinances.
- (11) An indication of any lots in which other than a residential use is intended.
- (12) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other reasons.
- (13) Tentative typical cross-sections and center-line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- (14) Where the preliminary plan covers only a part of the applicant's entire holding, a sketch shall be submitted of the perspective street layout for the remainder.

(Ord. 157, 6/11/1979, Art. VIII, §802)

### **§22-803. Final Plan.**

The final plan shall show or be accompanied by the following information:

#### A. Drafting Standards.

- (1) The plan shall be drawn at a scale of one inch = 50 feet or 100 feet.
- (2) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (4) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the currently proposed features.
- (5) The boundary line of the subdivision or land development shall be shown as a solid heavy line.
- (6) Final plans shall be on sheets either 18 inches x 24 inches or 36 inches x 48 inches, and all lettering shall be so drawn as to be legible if the plan should be reduced to half size.

#### B. General information to be shown:

- (1) Name of subdivision or land development.

- (2) Name and address of the owner/applicant.
- (3) Name and address of the registered engineer, surveyor or architect responsible for the plan.
- (4) Zoning requirements, including applicable district, lot size and yard requirements, and proof of any variances or special exceptions which may have been granted.
- (5) A location map for the purpose of locating the site to be subdivided at a scale of not less than 800 feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.
- (6) Total acreage of the tract.
- (7) Date, north point and scale.

C. Existing Features.

- (1) Complete outline survey of the property to be subdivided or developed shall be provided, showing all courses, distances and area, and tie-ins to all adjacent intersections.
- (2) The location, names, and widths of streets, the location of property lines and names of owners, the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed.
- (3) Location of all existing monuments.
- (4) Location, size and ownership of all underground utilities, and any rights-of-way or easements within the property.
- (5) Contours at vertical intervals of two feet for land with average natural slope of 4% or less; vertical intervals of five feet for more steeply sloping land.
- (6) Location of existing buildings, species and size of large trees standing alone, the outline of all wooded areas, quarries, marshy areas, and areas subject to inundation.

D. Proposed Layout.

- (1) The layout of streets, including width of the streets, alleys and crosswalks.

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- (2) The layout and approximate dimensions of lots.
- (3) The arrangement of buildings and parking areas in commercial and multifamily developments with all necessary dimensions shall be noted on the plan.
- (4) For multifamily developments, the total areas, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and the bedroom ratio shall be on the plan.
- (5) A plan for the surface drainage of the tract to be subdivided shall be provided. A plan to control erosion during and after the construction period may be required. This plan will receive approval if it has been prepared by the Bucks County Soil and Water Conservation District and reviewed by the Borough Planning Commission.
- (6) Tentative typical cross-sections and center-line profiles shall be provided for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- (7) Lots for which other than a residential use is intended shall be indicated.
- (8) A plan of proposed planting shall be provided, showing the locations for street trees and the landscape treatment and reverse frontage lots and any required buffer strips.
- (9) For subdivisions, the total area, number of lots, lot area for each lot; length of proposed streets shall be noted on the plan and each lot numbered.
- (10) Building setback lines, established by zoning or other ordinances.

### E. Improvement Construction Plan (Drainage and Construction):

- (1) The improvement construction plan shall be at any of the following scales:

<b>Horizontal</b>	<b>Vertical</b>
20'/inch	2'/inch
50'/inch	5'/inch
100'/inch	10'/inch

Horizontal Plan (Streets). The horizontal plan shall show details of the horizontal layout including:

- (2) Center line with bearings, distances, curve data and stations corresponding to the profile.
- (3) Right-of-way and curb lines with radii at intersections.
- (4) Beginning and end of proposed construction.
- (5) Tie-ins by courses and distances to intersection of all public roads, with their names and widths.
- (6) Location of all monuments with reference to them.
- (7) Property lines and ownership of abutting properties.
- (8) Location and size of all drainage structures, sidewalks, public utilities, lighting standards and street name signs.

Horizontal Plan (storm drains and sanitary sewers).

- (9) Location and size of line with stations corresponding to the profile.
- (10) Location of manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
- (11) Property lines and ownership, with details of easements where required.
- (12) Beginning and end of proposed construction.
- (13) Location of laterals.
- (14) Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.
- (15) Hydraulic design data for culverts and/or bridge structures.

Profiles (streets).

- (16) Profile of existing ground surface along center line of street.
- (17) Proposed center line grade with percent on tangents and elevations at 50 feet intervals, grade intersection and either end of curb radii.
- (18) Vertical curve data including length, elevations and minimum sight distance as required by the engineer.

Cross-Section (streets).

## SUBDIVISION AND LAND DEVELOPMENT

- (19) Right-of-way width and location and width of paving.
- (20) Type, thickness and crown of paving.
- (21) Type and size of curb.
- (22) Grading of sidewalk area.
- (23) Location, width, type and thickness of sidewalks.
- (24) Typical location of sewers and utilities with sizes.  
Profile (storm drains and sanitary sewers).
- (25) Profile of existing ground surface with elevations at top of manholes or inlets.
- (26) Profile of storm drain or sewer showing type and size of pipe, grade, cradle, manhole and inlet locations, and elevations along flow line at 50 foot intervals.

(Ord. 157, 6/11/1979, Art. VIII, §803)

### **§22-804. Minor Subdivision Plan.**

The minor subdivision plan shall show or be accompanied by the following information:

- A. Drafting Standards.
  - (1) The plan shall be drawn at a scale of one inch = 50 feet or one inch = 100 feet.
  - (2) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- B. General information to be shown:
  - (1) Name of subdivision.
  - (2) Name and address of owner.
  - (3) Name and address of the engineer or surveyor responsible for the plan.
  - (4) Zoning classification and requirements.

- (5) Date, north point and scale.
- (6) A location map for the purpose of locating the site at a scale of not less than 800 feet to the inch.

C. Existing Features.

- (1) Complete outline survey of the property to be subdivided, showing all courses, distances and area, and tie-ins to all adjacent street intersections.
- (2) The location, names and widths of streets, the location of property lines and names of adjacent owners, the location of watercourses, sanitary sewers, storm drains, easements or right-of-ways and similar features.
- (3) The location and character of existing buildings, wooded areas and other features.

D. Proposed Layout.

- (1) Proposed lot layout.
- (2) Lots numbered.
- (3) Building set-back lines.
- (4) Total area of the tract lot size for each lot.

(Ord. 157, 6/11/1979, Art. VIII, §804)

**§22-805. Record Plan.**

The Record Plan shall be a clear and legible blue or black line print on white opaque linen and one paper print, and shall be an exact copy of the approved final plan on a sheet of the size required for final plans. The following information shall appear on the record plan, in addition to the information required in §22-803 for the final plan:

A. Seals.

- (1) The impressed seal of the licensed engineer or surveyor who prepared the plan.
- (2) The impressed corporation seal, if the subdivider is a corporation.
- (3) The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.

## SUBDIVISION AND LAND DEVELOPMENT

- (4) The impressed seal of the Borough of Richlandtown.

### B. Acknowledgements.

- (1) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision shown on the final plan is made with his or their free consent and that it is desired to record the same.
- (2) An acknowledgement of said statement before an officer authorized to take acknowledgements.

### C. The following signatures shall be placed directly on the plan in black ink:

- (1) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
- (2) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
- (3) The signatures of the licensed engineer or surveyor who prepared the plan.
- (4) The signature of two members of the Borough Planning Commission.
- (5) The signature of the Borough Engineer.
- (6) The signatures of the resident of the Borough Council and Secretary of Borough Council.

(Ord. 157, 6/11/1979, Art. VIII, §805)

### **§22-806. Modification of Requirements.**

1. The above requirements for preliminary and final plans and for supporting data may be modified by the Borough Council as warranted by special circumstances.
2. In subdivisions requiring no new streets, and in case of resubdivision, the requirements for the contours may be waived at the discretion of the Borough Council.

(Ord. 157, 6/11/1979, Art. VIII, §806)



**PART 9**

**ADMINISTRATION**

**§22-901. Hardship.**

1. If any mandatory provisions of these regulations are shown by the applicant, to the satisfaction of a majority of the Borough Council present at a regular meeting, to be unreasonable and to cause undue hardship as they apply to his proposed subdivision, the Borough Council shall grant a variance to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of these regulations.
2. In granting variances and modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. 157, 6/11/1979, Art. IX, §901)

**§22-902. Fees.**

The applicant for a subdivision and land development approval shall at the time of making application to the Zoning Officer, pay to the Zoning Officer a fee in accordance with a Fee Schedule adopted by resolution of the Borough of Richlandtown upon enactment of those Regulations or as such schedule may be amended by resolution of the Borough of Richlandtown.

(Ord. 157, 6/11/1979, Art. IX, §902)

**§22-903. Borough Records.**

1. The Borough shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review or approval.
2. All records of the Borough shall be public records.

(Ord. 157, 6/11/1979, Art. IX, §903)

**§22-904. Preventive Remedies.**

1. In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occu-

## SUBDIVISION AND LAND DEVELOPMENT

pancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalty or from the remedies herein provided.

2. A municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - A. The owner of record at the time of such violation.
  - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 157, 6/11/1979, Art. IX; as amended by A.O.

**PART 10**  
**AMENDMENTS**

**§22-1001. Power of Amendment.**

The Borough Council may from time to time amend, supplement, change, modify or repeal this Chapter. When doing so, the Borough Council shall proceed in the manner prescribed in this Part.

(Ord. 157, 6/11/1979, Art. X, §1001)

**§22-1002. Enactment of Subdivision and Land Development Ordinance Amendment.**

1. Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this article. In addition, in case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the planning agency for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment. If a county planning agency shall have been created for the county in which the municipality proposing the amendment is located, then, at least 30 days prior to the hearing on the amendment, the municipality shall submit the proposed amendment to said county planning agency for recommendations.
2. Within 30 days after adoption, the governing body of a municipality, other than a county, shall forward a certified copy of any amendment to the subdivision and land development ordinance to the county planning agency or, in counties where no planning agency exists, to the governing body of the county in which the municipality is located.

(Ord. 157, 6/11/1979, Art. X, §1002; as amended by A.O.)

**§22-1003. Hearings.**

1. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon. No amendment shall become effective until after such hearing at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land not affected previously by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote in the amendment.

## SUBDIVISION AND LAND DEVELOPMENT

2. Notice shall be given not more than 30 days and not less than 14 days, in advance of such hearing and shall be published in a newspaper of general circulation in the Borough, once each week for two successive weeks. Such notice shall state the time and place of the hearing and shall include either the full text of the proposed amendment, or a brief summary setting forth the principal provisions in reasonable detail, with reference to a place where copies of the proposed amendment may be examined.
3. No hearing shall be held before or during the 30 day period in which the Planning Commission has been directed to review and report its recommendations to the Borough Council.

(Ord. 157, 6/11/1979, Art. X, §1003)

### **§22-1004. Publication, Advertisement and Availability of Ordinance.**

1. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - A. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

3. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(Ord. 157, 6/11/1979, Art. X; as added by A.O.



*22 Attachment 1*

Borough of Richlandtown

**APPENDIX “A” – BASIN BERM CONSTRUCTION REQUIREMENTS**

1. Site preparation – Areas under the embankment and any structural works shall be cleared, grubbed, and the topsoil stripped to remove the trees, vegetation, roots or other objectionable material. In order to facilitate clean-out and restoration, the pool area will be cleared of all brush and excess trees.
2. Cut off trench – A cut-off trench will be excavated along the centerline dam on earth fill embankments. The minimum depth shall be two feet. The cut-off trench shall extend up both abutments to the riser crest elevation. The minimum bottom width shall be eight feet but wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. Compaction requirements shall be the same as those for the embankment. The trench shall be kept free from standing water during the backfilling operations.
3. Embankment – The fill material shall be taken from selected borrow areas. It shall be free of roots, woody vegetation, oversized stones, rocks or other objectionable material. Areas on which fill is to be placed shall be scarified prior to placement of fill.

The fill material should contain sufficient moisture so that it can be formed by hand into a ball without crumbling. If water can be squeezed out of the ball, it is too wet for proper compaction.

Fill material will be placed in six to eight inch layers and shall be continuous over the entire length of the fill. Fill material must be compacted to a minimum of 95% of Modified Proctor Density as established by ASTM D-1557. Compaction testing by a certified soils engineer/geologist must be completed as directed by the Borough Engineer to verify adequate compaction has been achieved.





**CHAPTER 23**  
**SWIMMING POOLS**

(Reserved to accommodate future enactments)



**CHAPTER 24**  
**TAXATION; SPECIAL**

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**PART 1**  
**PER CAPITA TAX**

**§24-101. Authority for Enactment.**

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(A.O.)

**§24-102. “Resident” Defined.**

The word “resident” as used in this ordinance shall mean every adult 18 years of age or older who lives within the Borough.

(A.O.)

**§24-103. Imposition of Tax.**

Every resident shall pay \$10 for the present calendar year and each year hereafter; [provided, the tax hereby imposed shall not be levied upon any resident whose total income during the taxable year is any figure less than or equal to \$10,000].

(A.O.)

**§24-104. Collection.**

All taxes, interests, costs and penalties imposed by this ordinance shall be collected by the Borough Tax Collector.

(A.O.)

**§24-105. Penalty.**

Any resident or inhabitant who fails or refuses to pay the tax or to render accurate information to an assessor concerning his residence or age, shall, upon conviction thereof, be sentenced to pay a fine not more than \$600 and in default of payment, to imprisonment for a term not to exceed 30 days.

(A.O.)



**PART 2**

**EARNED INCOME AND NET PROFITS TAX**

**§24-201. Short Title.**

This Part shall be known as the “Earned Income Tax Ordinance” of Richlandtown Borough, Bucks County, Pennsylvania (hereinafter referred to as “Borough”).

(Ord. 239, 9/8/2003, §1)

**§24-202. Incorporation of Statute.**

This Part is enacted and adopted under and by virtue of the authority of the Act of December 31, 1965, P.L. 1257, effective January 1, 1966, “The Local Tax Enabling Act,” and the provisions of §§13 and 14 thereof, (53 P.S. §§6913 and 6914), its supplements and amendments, are incorporated herein by reference except that where options are provided in §§13 and 14, this Part designates the options selected and except as and where hereinafter specifically provided otherwise.

(Ord. 239, 9/8/2003, §2)

**§24-203. Definitions.**

1. Except as otherwise indicated by the context, the following definitions shall apply in addition to those set forth in the Enabling Act Use of the masculine gender shall include the feminine and neuter, and reference to the masculine singular shall include the plural.

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

**BOROUGH** — the Borough of Richlandtown, Bucks County, Pennsylvania.

**COUNCIL** — the Council of Richlandtown Borough.

**OFFICER** — the person or corporation designated, from time to time, by resolution of the Councilmen as being responsible for the collection and reporting of the tax levied by this Part.

**TAXABLE YEAR** — January 1 to December 31 of any year, provided that any taxpayer whose books are maintained on a different fiscal year, with suitable adjustment of dates for quarterly returns as hereinafter set forth.

(Ord. 239, 9/8/2003, §3)

**§24-204. Imposition of Tax.**

A tax for general revenue purposes in the amount of 1% is hereby imposed on earned income, including inter alia salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by residents of the Borough, and on earned income, including inter alia salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by nonresidents of the Borough for work done or services performed or rendered in the Borough and on the net profits received from businesses, professions or other activities conducted by residents of the Borough and the net profits received from businesses, professions or other activities conducted in the Borough by nonresidents of the Borough beginning in 1969, and continuing on an annual basis for each succeeding year.

(Ord. 239, 9/8/2003, §4)

**§24-205. Declaration, Return, and Payment of Tax**

1. Net Profits.

- A. Every taxpayer making net profits shall, on or before April 15 of the current year, make and file with the Income Tax Officer, selected by the Borough in accordance with §24-206 hereof, on a form prescribed or approved by the Officer, a declaration of his or her estimated net profits during the period beginning January 1 and ending December 31 of the current year, and pay to the Officer in four equal quarterly installments the tax due thereon as follows: the first installment at the time of filing of the Declaration and the other installments on or before June 15 of the current year, September 15 of the current year and January 15 of the succeeding year, respectively.
- B. Any taxpayer who first anticipates a net profit, shall after April 15 of the current year, make and file the Declaration hereinabove required on or before June 15 of the current year, September 15 of the current year, or December 31 of the current year, whichever of these dates next follows the date on which the taxpayer first anticipates such net profit, and paid to the Officer in equal installments the tax due thereon on or before the quarterly payment dates which remain after the filing of the Declaration.
- C. Every taxpayer, on or before April 15 of the succeeding year, shall make and file with the Officer on a form prescribed or approved by the Officer a Final Return showing the amount of net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year the total amount of tax due thereon and the total amount of tax paid therein. At the time of filing the Final Return, the taxpayer shall pay to the Officer the balance of tax due or shall make demand for refund or credit in the case of overpayment. Any taxpayer may, in lieu of paying the fourth quarterly installment of his estimated tax, elect to make and file with the



Officer, on or before January 31 of the succeeding year, the Final Return as hereinabove required.

2. Earned Income.

- A. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Officer a Final Return showing the amount of earned income including inter alia salaries, wages, commissions, bonuses, incentive payments, fees, tips and compensation (other than net profits) received during the period beginning January 1 and ending December 31 of the current year the total tax due thereon, the amount of tax paid thereon that has been withheld pursuant to the provisions relating to collection at the source, and the balance of the tax due. At the time of filing said Final Return, the taxpayer shall pay the balance of the tax due or shall make demand for refund, or credit in the case of overpayment.
- B. Quarterly Returns. Every taxpayer who is employed for a salary, wage or other compensation, and who received any earned income not subject to the provisions relating to collections at source, shall make and file with the Officer Quarterly Returns and shall pay quarterly annually the amount of tax shown as due on such Returns, all as provided in Section 13(III)(B)(2) of the Local Tax Enabling Act, as amended.

(Ord. 239, 9/8/2003, §5)

**§24-206. Collection at Source.**

- 1. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the corporate limits of the Borough shall deduct the tax imposed by this Part on the earned income due to his employee or employees and shall file Quarter Returns and Final Returns and pay quarterly to the Officer the amount of taxes deducted, all as set forth in §13, IV of the said Local Tax Enabling Act, its supplements and amendments, except that:
  - A. On or before April 15, and in succeeding years, every employer shall file with the Officer:
    - (1) An annual return showing the total amount of earned income paid, the total amount of tax deducted, and the total amount of tax paid to the Officer for the period beginning January 1 and ending December 31 of the current year.
    - (2) A Return Withholding Statement for each employee employed during all or any part of the period beginning January 1 and ending December 31 of the current year setting forth the employee's name, address, Social Security Number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political

## TAXATION; SPECIAL

subdivisions imposing the tax upon such employee, and the amount of tax paid to the Officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.

2. Every employer who discontinues business prior to December 31 of the current year shall within 30 days after discontinuance of business file Returns and Withholding Statements hereinabove required, and pay the tax due.

(Ord. 239, 9/8/2003, §6)

### **§24-207. Administration.**

The Income Tax Officer shall be selected, from time to time, by resolution of the Council and shall receive such compensation for his or her services and expenses as determined, from time to time, by the Borough Council. Such Officer shall have the powers and duties and be subject to the penalties provided in "The Local Tax Enabling Act", its supplements and amendments. The Income Tax Officer may require that all new employees complete a questionnaire providing information necessary for the collection of this tax.

(Ord. 239, 9/8/2003, §7)

### **§24-208. Applicability.**

The tax imposed by §24-204 of this Part shall not be levied on the net profits of any persons, institution, or organization as to whom it is beyond the power of the Borough Council to impose said tax under the Constitution of the United States of America or the Constitution and laws of the Commonwealth of Pennsylvania.

(Ord. 239, 9/8/2003, §8)

### **§24-209. Credits.**

1. Payments of any tax on income to any state other than Pennsylvania or to any political subdivision thereof by residents thereof pursuant to any State or local law to the extent that such income includes salaries, wages, commissions, bonuses, incentive payments, fees, tips, and other compensation or net profits of businesses, professions, or other activities, if residents of the Borough receive credits and deductions of a similar kind to a like degree from the tax on income imposed by the other state or political subdivision thereof.
2. Where a credit or a deduction is allowable, it shall be allowed in proportion to the concurrent periods for which taxes are imposed by the other state or respective political subdivisions, but not in excess of the amount previously paid for a concurrent period.

(Ord. 239, 9/8/2003, §9)

**§24-210. Interest Penalty on Unpaid Taxes, Violations and Penalties.**

By enforcing the collection of the tax hereby levied, the Officer shall have all the remedies prescribed by the Enabling act, and shall be entitled to add to the amount of any delinquent tax or debt created by the failure to pay or to collect at one source such taxes plus interest at the rate of 6% per annum plus an additional penalty of 1/2 of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid.

(Ord. 239, 9/8/2003, §10)

**§24-211. Enforcement and Penalties.**

Enforcement and penalties for the nonpayment of any tax imposed hereunder may be pursued and imposed by the Borough as authorized in the Local Tax Enabling Act, §13(VII), (VII), and (IX).

(Ord. 239, 9/8/2003, §11)



**PART 3**

**REAL ESTATE TRANSFER TAX**

**§24-301. Short Title.**

This Part shall be known as the “Realty Transfer Tax Ordinance of Richlandtown Borough.”

(Ord. 182, 4/13/1987, §1)

**§24-302. Authority.**

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within Richlandtown Borough regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D Local Real Estate Transfer Tax, 72 P.S. “8101-D et seq. and by The Local Tax Enabling Act, 53 P.S. 6901, et seq. This Part shall be construed to incorporate any amendments to the Local Real Estate Transfer Tax Act which are inconsistent with the provisions of this Part.

(Ord. 182, 4/13/1987, §2; as amended by A.O.

**§24-303. Definitions.**

ASSOCIATION — a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent’s estate.

BOROUGH — Richlandtown Borough, Bucks County, Pennsylvania.

CORPORATION — a corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country or dependency.

DEPARTMENT — The Department of Revenue of the Commonwealth of Pennsylvania.

DOCUMENT — any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof

## TAXATION; SPECIAL

unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under §24-308 of this Part.

**FAMILY FARM CORPORATION** — a corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
- B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
- C. Fur Farming;
- D. Stockyard and slaughterhouse operations; or
- E. Manufacturing or processing operations of any kind.

**MEMBERS OF THE SAME FAMILY** — any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

**PERSON** — every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

**REAL ESTATE** –

- A. Any land, tenements or hereditaments within the Borough, including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.
- B. A condominium unit.
- C. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY — a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

- A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
- B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE –

- A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate, or perpetual leasehold; or
- B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — the making, executing, delivering, accepting, or presenting for recording of a document.

VALUE –

- A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefore, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate: Provided, that where such documents shall set forth a nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale;
- B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the

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actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ration factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations as established by the State Equalization Board or a commensurate part of the assessment where the assessment includes other real estate;

- C. In the case of an easement or other interest in real estate the value of which is not determinable under subsection (A) or (B), the actual monetary worth of such interest; or
- D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principle of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

(Ord. 182, 4/13/1987, §3)

### **§24-304. Imposition of Tax.**

1. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a tax at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.
2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, the amount of the tax and the signature of the collecting agent shall be set forth.
3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the provisions of that Act shall apply in apportioning the tax among the municipalities.

(Ord. 182, 4/13/1987, §4)



**§24-305. Exempt Parties.**

The United States, the Commonwealth of Pennsylvania, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this ordinance. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(Ord. 182, 4/13/1987, §5)

**§24-306. Excluded Transactions.**

The tax imposed by this Part shall not be imposed upon:

- A. A transfer to the Commonwealth of Pennsylvania, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owners of record at the time of condemnation, which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation.
- B. A document which the Borough is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- E. A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce; between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

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- G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- J. A transfer for no or nominal actual consideration from trustee to successor trustee.
- K. A transfer for no or nominal actual consideration between principal and agent or straw party; or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this Section.

- L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.
- M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.
- O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if the grantee shall directly use

such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and the agency or authority has the full ownership interest in the real estate transferred.

- P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
- R. A transfer to a conservancy which possesses a tax exempt status pursuant to §501(c)(3) of the Internal Revenue Code of 1954, (68A Stat. 3, 26 U.S.C. §501(c)(3) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.
- S. A transfer of real estate devoted to the business of agriculture to a Family Farm Corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.
- T. A transfer between members of the same family of an ownership interest in a real estate company or Family Farm Corporation.
- U. A transaction wherein the tax due is \$1 or less.
- V. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof. In order to exercise any exclusive provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

(Ord. 182, 4/13/1987, §6)

**§24-307. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof.**

Except as otherwise provided in §24-306, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

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(Ord. 182, 4/13/1987, §7)

### **§24-308. Acquired Company.**

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the changes do not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.
2. With respect to real estate acquired after February 16, 1986, a Family Farm Corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a Family Farm Corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a Family Farm Corporation under this Part.
3. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps or for the affixation of writing by the Recorder of Deeds as set forth in §24-304 above, and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(Ord. 182, 4/13/1987, §8)

### **§24-309. Credits Against Tax.**

1. Where there is a transfer of a residential property by a licensed real estate broker, which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
2. Where there is a transfer by a builder of a residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
3. Where there is a transfer of real estate which is demised by the grantor, a credit for the amount of tax paid at the time of the demise shall be given to the grantor toward the tax due upon the transfer.

4. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
5. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount or tax due, no refund or carryover credit shall be allowed.

(Ord. 182, 4/13/1987, §9)

**§24-310. Determinations by Department of Revenue.**

Whenever the amount of tax due to the Commonwealth of Pennsylvania pursuant to 72 P.S. §8101-C et seq. upon final determination, redetermination or review by the Department of Revenue, is more than the amount actually paid to the Commonwealth on account thereof, such amount, including all interest or penalties thereon, shall be deemed to be the amount due and payable to the Borough pursuant to this ordinance and shall be collectable by the Recorder of Deeds upon rerecording as hereinafter provided. If the amount of such tax as finally determined is less than the amount actually paid, then upon application to the Borough together with proof of payment and final determination by the Department of Revenue, the Borough shall refund such portion of the overpayment that the Borough actually received. All applications for refunds must be received by the Borough within two weeks of the date of payment for which a refund is requested.

(Ord. 182, 4/13/1987, §10)

**§24-311. Extension of Lease.**

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

(Ord. 182, 4/13/1987, §11)

**§24-312. Proceeds of Judicial Sale.**

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the Sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

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(Ord. 182, 4/13/1987, §12)

### **§24-313. Duties of Recorder of Deeds.**

1. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Borough based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Borough.
2. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder of Deeds shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
3. On or before the 10th of each month, the Recorder of Deeds shall pay over to the Borough all local Realty Transfer Taxes collected, less 2% for the use of the County, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The 2% commission shall be paid to the County.
4. Upon a redetermination of the amount of Realty Transfer Tax due by the Commonwealth of Pennsylvania, the Recorder of Deeds shall rerecord the deed or record the additional Realty Transfer Tax Form only when both the State and local amounts and a rerecording or recording fee has been tendered.

(Ord. 182, 4/13/1987, §13)

### **§24-314. Statement of Value.**

Every document lodged with or presented to the Recorder of Deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a Statement of Value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this subsection shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of writing of the Recorder of Deeds as set forth in §24-304 or the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

(Ord. 182, 4/13/1987, §14)

**§24-315. Civil Penalties.**

1. If any part of any underpayment of tax imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
2. In the case of failure to record a declaration required under this Part on the date prescribed therefore, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(Ord. 182, 4/13/1987, §15)

**§24-316. Lien.**

The tax imposed by this Part shall be a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Borough, which lands, tenements, hereditaments or any interest therein, lying, being situated, wholly or in part within the boundaries of the Borough, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continue until discharge by payment, or in accordance with the law, and the solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Bucks County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53, P.S. §7101 et seq., its supplements and amendments.

(Ord. 182, 4/13/1987, §16)

**§24-317. Enforcement.**

All taxes imposed by this Part together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

(Ord. 182, 4/13/1987, §17)

**§24-318. Regulations.**

The Borough Secretary is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department

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of Revenue under 72 P.S. §8101C et seq., to the extent that they are applicable, are incorporated into and made a part of this Part.

(Ord. 182, 4/13/1987, §18)



**PART 4**

**LOCAL TAXPAYERS BILL OF RIGHTS**

**§24-401. Short Title.**

This Part shall be known and may be cited as the “Local Taxpayers Bill of Rights.” (A.O.

**§24-402. Definitions.**

The following words and phrases when used in this Part shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

ASSESSMENT — the determination by the Borough of the amount of the underpayment by a taxpayer.

BOARD — a board of local tax appeals established under 53 Pa. C.S.A. §8430 (relating to administrative appeals).

ELIGIBLE TAX — any of the following, including interest and penalty provided by law, when levied by a political subdivision:

- A. Any tax authorized or permitted under the Act of December 31, 1965 (P.L. 1257, No. 511, known as the “Local Tax Enabling Act.”
- B. Any per capita tax levied under any act.
- C. Any occupation, occupation assessment or occupation privilege tax levied under any act.
- D. Any tax on income levied under any act.
- E. Any tax measured by gross receipts levied under any act.
- F. Any tax on a privilege levied under any act.
- G. Any tax on amusements or admissions levied under any act.
- H. Any tax on earned income and net profits.

GOVERNING BODY — the Borough Council of the Borough of Richlandtown, Bucks County, Pennsylvania.

OVERPAYMENT — any payment of tax which is determined in the manner provided by law not to be legally due.

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**TAXPAYER** — an individual, partnership, association, corporation, limited liability company, estate, trust, trustee, fiduciary or any other entity subject to or claiming exemption from any eligible tax or under a duty to perform an act for itself or for another or pursuant to the authority of an act providing for an eligible tax.

**UNDERPAYMENT** — the amount or portion of any tax determined to be legally due in the manner provided by law for which payment or remittance has not been made.

**VOLUNTARY PAYMENT** — a payment of an eligible tax made pursuant to the free will of the taxpayer. The term does not include a payment made as a result of distraint or levy or pursuant to a legal proceeding in which the Borough is seeking to collect its delinquent taxes or file a claim therefore.

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### **§24-403. Disclosure Statement.**

1. Contents. The Borough shall prepare a statement which sets forth the following simple and nontechnical terms:
  - A. The rights of a taxpayer and the obligation of the Borough during an audit or an administrative review of the taxpayer's books or records.
  - B. The administration and judicial procedures by which a taxpayer may appeal or seek review of any adverse decision of the Borough.
  - C. The procedure for filing and processing refund claim and taxpayer complaints.
  - D. The enforcement procedures.
2. Distribution. The Borough shall notify any taxpayer contacted regarding the assessment, audit, determination, review or collection of an eligible tax of the availability of the statement under subsection (1). The Borough shall make copies of the statement available to taxpayers upon request at no charge to the taxpayer, including mailing costs. The notification shall be stated as follows:

“You are entitled to receive a written explanation of your rights with regard to the audit, appeal, enforcement, refund and collection of local taxes by calling the Borough of Richlandtown at 215-538-9296 during normal business hours.”

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**§24-404. Requirements for Requests.**

1. Minimum Time Period for Taxpayer Response.
  - A. The taxpayer shall have at least 30 calendar days from the mailing date to respond to request for information by the Borough. The Borough shall grant additional reasonable extensions upon application for good cause.
  - B. The Borough shall notify the taxpayer of the procedures to obtain an extension in its initial request.
  - C. The Borough shall take no lawful action against a taxpayer for the tax year in question until the expiration of the applicable response period, including extensions.
2. Requests for Prior Year Returns.
  - A. Except as provided in subsection (B), an initial inquiry by the Borough regarding a taxpayer's compliance with any eligible tax may include taxes required to be paid or tax returns required to be filed no more than three year prior to the mailing date of the notice.
  - B. The Borough may make a subsequent request for a tax return or supporting information if, after the initial request, the Borough determines that the taxpayer failed to file a tax return, under-reported income or failed to pay a tax for one or more of the tax periods covered by the initial request.

This subsection shall apply if the Borough has sufficient information to indicate that the taxpayer failed to file a required return or pay an eligible tax which was due more than three years prior to the date of the notice.
3. Use of Federal Tax Information. The Borough may require a taxpayer to provide copies of the taxpayer's Federal individual income tax return if the Borough can demonstrate that the Federal tax information is reasonably necessary for the enforcement or collection of an eligible tax and the information is not available from other available sources or the Department of Revenue.

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**§24-405. Refunds of Overpayments.**

1. General Rule. A taxpayer who has paid an eligible tax to the Borough may file a written request with the Borough for refund or credit of the eligible tax. A request for refund or credit of the eligible tax. A request for refund shall be made within three years of the date for filing the report as extended or one year after actual payment of the eligible tax, whichever is later. If no report is required, the request

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shall be made within three years after the due date for payment of the eligible tax or within one year after actual payment of the eligible tax, whichever is later.

- A. For purposes of this Section, a tax return filed by the taxpayer with the Borough showing an overpayment of tax shall be deemed to be a written request for a cash refund unless otherwise indicated on the tax return.
  - B. A request for refund under this Section shall not be considered a petition under §53 Pa.C.S.A. §8340 (relating to petitions).
2. Notice of Underpayment. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for refund shall be filed with the Borough within one year of the date of the payment.

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### **§24-406. Interest on Overpayment.**

1. General Rule. All overpayments of tax due the Borough, including taxes on real property, shall bear simple interest from the date of overpayment until the date of resolution.
2. Interest Rate. Interest on overpayments shall be allowed and paid at the same rate as the Commonwealth is required to pay pursuant to §806.1 of the Act of April 9, 1929 (P.L. 343, No. 176) known as the Fiscal Code.
3. Exceptions.
  - A. No interest shall be allowed if an overpayment is refunded or applied against any other tax, interest or penalty due the Borough within 75 days after the last date prescribed for filing the report of the tax liability or within 75 days after the date the return or report of the liability due is filed, whichever is later.
  - B. Overpayments of interest or penalty shall not bear any interest.
4. Acceptance of Refund Check. The taxpayer's acceptance of the Borough check shall not prejudice any right of the taxpayer to claim any additional overpayment and interest thereon. Tender of a refund check by the Borough shall be deemed to be acceptance of the check by the taxpayer for purposes of this Section.
5. Definitions. As used in this Section, the following words and phrases shall have the meaning given to them in this Section:

**DATE OF OVERPAYMENT** — the later of the date paid or the date tax is deemed to have been overpaid as follows:

- A. Any tax actually deducted and withheld at the source shall be deemed to have been overpaid on the last day of filing the report for the tax period, determined without regard to any extension of time for filing.
- B. Any amount overpaid as estimated tax for the tax period shall be deemed to have been overpaid on the last day for filing the final report for the tax period, determined without regard to any extension of time for filing.
- C. An overpayment made before the last day prescribed for payment shall be deemed to have been paid on the last day.
- D. Any amount claimed to be overpaid with respect to which a lawful administrative review or appellate procedure is initiated shall be deemed to have been overpaid 60 days following the date of initiation of the review or procedure.
- E. Any amount shown not to be due on an amended income or earned income and net profits tax return shall be deemed to have been overpaid 60 days following the date of filing of the amended income tax return.

DATE of RESOLUTION — the date the overpayment is refunded or credited as follows:

- A. For a cash refund, a date preceding the date of the Borough's refund check by not more than 30 days.
- B. For a credit for an overpayment.
  - (1) The date of the Borough's notice to the taxpayer of the determination of the credit; or
  - (2) The due date for payment of the tax against which the credit is applied, whichever first occurs. For a cash refund of a previously determined credit, interest shall be paid on the amount of the credit from a date 90 days after the filing of a request to convert the credit to a cash refund to a date preceding the date of the refund check by not more than 30 days whether or not the refund check is accepted by the taxpayer after tender.

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**§24-407. Notice of Basis of Underpayment.**

The Borough shall notify the taxpayer, in writing, of the basis for any underpayment that the Borough has determined to exist. The notification shall include:

- A. The tax period or periods for which the underpayment is asserted.

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- B. The amount of the underpayment detailed by tax period.
- C. The legal basis upon which the Borough has relied to determine that an underpayment exists.
- D. An itemization of the revisions made by the Borough to a return or report filed by the taxpayer that results in the determination that an underpayment exists.

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### **§24-408. Abatement of Certain Interest and Penalty.**

1. Errors and Delays. In the case of any underpayment, the Borough may abate all or any part of interest for any period for the following:
  - A. Any underpayment or tax finally determined to be due attributable in whole or in part to any error or delay by the Borough in the performance of a ministerial act. For purposes of this subsection, an error or delay shall be taken into account only if no significant aspect of the error or delay can be attributed to the taxpayer and after the Borough has contacted the taxpayer, in writing, with respect to the underpayment of tax finally determined to be due or payable.
  - B. Any payment of a tax to the extent that any error in delay in the payment is attributable to an officer, employee or agent of the Borough being erroneous or dilatory in performance of a ministerial act. The Borough shall determine what constitutes timely performance of ministerial acts performed under this subsection.
2. Abatement Due to Erroneous Written Advice by the Borough.
  - A. The Borough shall abate any portion of any penalty or excess interest attributable to erroneous advice furnished to the taxpayer in writing by an officer, employee or agent of the Borough acting in the officer's, employee's or agent's official capacity if:
    - (1) The written advice was reasonably relied upon by the taxpayer and was in response to specific written request of the taxpayer; and
    - (2) The portion of the penalty or addition to tax or excess interest did not result from a failure by the taxpayer to provide adequate or accurate information.
  - B. This subsection shall not be construed to require the Borough to provide written advice to taxpayers.

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**§24-409. Application of Payments.**

Unless otherwise specified by the taxpayer, all voluntary payments of an eligible tax shall be prioritized by the Borough as follows:

- A. Tax.
- B. Interest.
- C. Penalty.
- D. Any other fees or charges.

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**§24-410. Administrative Appeals.**

A political subdivision levying an eligible tax shall establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of an eligible tax. The administrative process shall consist of any one of the following:

- A. Review and decision or hearing and decision by the Borough Tax Appeals Board appointed by the Borough Council. The Board shall consist of at least three but not more than seven members. Qualifications for service to the Board and compensation, if any, of the members shall be determined by the Borough Council. The Borough Council may enter into agreements with other political subdivisions to establish a joint local tax appeal board.
- B. Review and decision by the Borough Council in executive session.
- C. A hearing and decision by a hearing officer appointed by the Borough Council. The Borough Council shall determine the qualifications and compensation, if any, of the hearing officer.
- D. An administrative review or appeal process existing on the effective date of this Part that is substantially similar to the procedures in subsections (A), (B) or (C).

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### **§24-411. Petitions.**

1. Filing. A petition is timely filed if the letter transmitting the petition is post-marked by the United States Postal Service on or before the final day on which the petition is required to be filed. Deadlines for filing petitions are as follows:
  - A. Refund petitions shall be filed within three years after the due date for filing the report as extended or one year after actual payment of an eligible tax, whichever is later. If no report is required, the petition shall be filed within three years after the due date for payment of an eligible tax or within one year after actual payment, whichever is later.
  - B. Petitions for reassessment of an eligible tax shall be filed within 90 days of the date of the assessment notice.
2. Contents. The Borough Council shall adopt regulations specifying the form and content of petitions, including the process and deadlines.

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### **§24-412. Practice and Procedure.**

Practice and procedure under this Section shall not be governed by 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action). The Borough Council shall adopt regulations governing practice and procedure under this Section.

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### **§24-413. Decisions.**

Decisions on petitions submitted under this Section shall be issued within 60 days of the date a complete and accurate petition is received. Failure to act within 60 days shall result in the petition being deemed approved.

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### **§24-414. Appeals.**

Any persons aggrieved by a decision under this Part who has a direct interest in the decision shall have the right to appeal to the court vested with the jurisdiction of local tax appeals by or pursuant to 42 Pa. C.S. (relating to judiciary and judicial procedure).

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**§24-415. Equitable and Legal Principles to Apply.**

Decisions under this Part may be made according to principles of law and equity. (A.O.)

**§24-416. Installment Agreements.**

1. Authorization. The Borough may enter into written agreements with any taxpayer under which the taxpayer is allowed to satisfy liability for any eligible tax in installment payments if the Borough determines that the agreement will facilitate collection.
2. Extent to Which Agreements Remain in Effect.
  - A. Except as otherwise provided in this Section, any agreement entered into by the Borough under subsection (1) shall remain in effect for the term of the agreement.
  - B. The Borough may terminate any prior agreement entered into under subsection (1) if:
    - (1) Information which the taxpayer provided to the Borough prior to the date of the agreement was inaccurate or incomplete; or
    - (2) The Borough believes that collection of any eligible tax under the agreement is in jeopardy.
  - C. If the Borough finds that the financial condition of the taxpayer has significantly changed, the Borough may alter, modify or terminate the agreement, but only if:
    - (1) Notice of the Borough's finding is provided to the taxpayer not later than 30 days prior to the date of such action; and
    - (2) The notice contains the reasons why the Borough believes a significant change has occurred.
  - D. The Borough may alter, modify or terminate an agreement entered into by the Borough under subsection (1) if the taxpayer fails to do any of the following:
    - (1) Pay any installment at the time the installment is due under such agreement.
    - (2) Pay any other tax liability at the time liability is due.
    - (3) Provide a financial condition update as requested by the Borough.

## TAXATION; SPECIAL

3. Prepayment Permitted. Nothing in this Section shall prevent a taxpayer from prepaying in whole or in part any eligible tax under any agreement with the Borough.

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### **§24-417. Confidentiality of Tax Information.**

1. Any information gained by the Borough as a result of any audit, return, report, investigation, hearing or verification shall be confidential tax information. It shall be unlawful, except for official purposes or as provided by law, for the Borough to:
  - A. Divulge or make known in any manner any confidential information gained in any return, investigation, hearing or verification to any person.
  - B. Permit confidential tax information or any book containing any abstract or particulars thereof to be seen or examined by any person.
  - C. Print public or make known in any manner any confidential tax information.
2. An offense under this Section is a misdemeanor of the third degree and, upon conviction thereof, a fine of not more than \$2,500 and cost or a term of imprisonment for not more than one year, or both, may be imposed. If the offender is an officer or employee of the Borough, the officer or employee shall be dismissed from office or discharged from employment.

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### **§24-418. Taxes on Real Property.**

Except as provided in §24-406 (Interest on Overpayment) this Part shall not apply to any tax on real property.

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## **CHAPTER 25**

### **TREES**

(Reserved to accommodate future enactments)



## **CHAPTER 26**

### **WATER**

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**Appendix C**





**PART 1**

**USE, SUPPLY AND COST OF WATER**

**§26-101. Water Department.**

There is herewith created a Water Department which shall be charged with the management and administration of the water system of the Borough of Richlandtown. It shall be in the charge of a man of good character and experience, elected by the Borough Council. He shall be known as the Superintendent of the Water Department of the Borough of Richlandtown, the Water Department and its Superintendent shall be under the control and supervision of the Borough Council.

(Ord. 37, 5/11/1938, Art. I, §1)

**§26-102. The Superintendent.**

The Superintendent of the Water Department shall be chosen by Borough Council. He shall serve until removed for just cause and shall receive such salary as Borough Council may, from time to time, determine. He shall be in charge of the Water Department, including the Water Works, and shall be responsible for the operation and maintenance of the Water Works, and all that pertains to the system. He shall have charge of the records of the Department, handle all correspondence, collect the water rents, issue permits and transact such other business of a clerical nature as may be necessary and from time to time prescribed the Borough Council. He shall be charged with the making of all current repairs to the water system, have the custody of the machinery and tools in and about the water reservoir and enforce all rules and regulations as shall be made and prescribed by the Borough Council from time to time. He shall, from time to time, cause chemical and bacteriological tests required by Council and State Department, to be made; shall keep proper books of account, a tabulation of receipts, expenditures, collections, rents paid and unpaid and make monthly reports thereof to the Borough Council. He shall inspect the laying of water mains, have charge of all maps and records of the Department, issue permits for connection of service pipes with mains, collect the fees for the issuance of same and perform all the duties incident thereto. He shall present a bond to Council in an amount as prescribed by Council from time to time may elect.

(Ord. 37, 5/11/1938, Art. II, §1; as amended by Ord. 51, 3/8/1948, §1)

**§26-103. Service Pipes.**

Service pipes connecting the property, dwelling or building with the curb box shall be laid and maintained by the owner of such property, dwelling or building, and the owner of such pipe or the property connecting therewith shall be responsible for any damage caused by leakage or otherwise, in such pipe or any fixture connected thereto. From and after September 1, 1952, all connections or contacts with the curb box shall be made

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only by the Borough of Richlandtown, and the Borough of Richlandtown shall install and maintain all curb boxes and all pipes from the water main to said curb boxes. Connections or contacts with the curb boxes shall be made by the Borough of Richlandtown after the payment of the following charges to the Water Superintendent or the Borough Treasurer:

- A. For all premises, dwellings or buildings located within the Borough of Richlandtown the sum of \$35.
- B. For all premises, dwellings or buildings located outside the limits of the Borough of Richlandtown the sum of 35, plus an additional charge sufficient in amount so that the initial charge and additional charges shall defray the cost of a permit from the Pennsylvania Department of Highways, the expense of resurfacing the road in compliance with the rules of the Pennsylvania Department of Highways or any other local municipality, and the cost of labor and material for pipes and curb box connections with the water main. In no event shall the Borough of Richlandtown furnish water to the premises, dwellings or buildings located outside the limits of the Borough until such time as the additional charges contemplated by this Section are paid in full to the Water Superintendent or Borough Treasurer.

(Ord. 37, 5/11/1938, Art. III, §1-2, as amended by Ord. 62, 6/9/1952, §1)

### **§26-104. Water Rents.**

1. The annual rent or charge for use and consumption of water shall be fixed by Council on the first regular meeting in January of each year.
2. There shall be two classes of charges, known as "Meter Rates" and "Spigot Charge Rates." Meters shall be installed in all buildings used for manufacturing purposes, hotels, stores, eating places, saloons, schools and all buildings used for business and commercial purposes and wherever meters are installed the Meter Rate shall apply, in all other services shall be paid at Spigot Charge Rate.
3. It shall be the duty of the Secretary of Borough Council to cause the water rate duplicated and water bills to be made out quarterly in each year, and to deliver a bill showing the nature and rate of charge to each person charged for the use of water. Any consumer considering himself aggrieved by the charge made shall appeal to Borough Council. Appeals from the charge of the Superintendent shall be heard by Borough Council at a proper time, to be named and stated in the water bills for the hearing and adjustment of all complaints and errors in said bills.
4. Water rents shall be payable to the Treasurer of the Borough Council for the rents on the meter service quarterly; on all meter charges remaining unpaid within 30 days after end of each quarter, a penalty of 50% shall be added. Spigot Charge Rates shall be payable to the Treasurer of Borough Council quarterly; on all rents remaining unpaid on the Spigot Charge Rate within 30 days after end of each

quarter, a penalty of 50% shall be added. In all cases of water rents remaining unpaid after the first day of the second month after the due date, the Superintendent shall upon direction of Council cut off the water from the premises in arrears, and turn it on only when all arrearages and costs have been paid.

5. When any person or persons shall begin to use water after the annual assessments have been made, they shall be required to pay a pro rata rate from the time such use is begun until the next annual assessment is made; the pro rata rate to be the same in proportion to the time the water is used, as the annual rates fixed by Council. A bill for such water rates for a fractional part of a year shall be delivered as is provided for the annual water bills, such bill to contain a notice of a time of appeal for the correction of any errors therein. Consumers using water after annual assessments have been made shall be subject to the same penalties as prescribed in subsection 4.
6. All water meters must be installed at a place within the building, where the water pipe enters the building and a check valve must be placed between the meter and the first connection to prevent back pressure from injuring the meter.

(Ord. 37, 5/11/1938, Art. IV, §§1-6)

**§26-105. Waste of Water.**

1. All waste or unnecessary use of water either within a building or enclosure or on the outside thereof, is prohibited, and in all cases where two or more persons, families, firms or corporations receive a supply of water from a common pipe, they shall be bound severally and jointly to keep the same in repair.
2. The Superintendent, or any other person acting under an order from him, shall be and s hereby authorized and empowered to inquire at any dwelling or place whence any unnecessary waste of water proceeds, into the cause of the same; and if the waste proceeds from want of repair in the pipe or other fixtures, and if the owner or occupier thereof shall neglect or refuse, upon notice given, to have the necessary repairs made forthwith, he shall shut off the water leading to such place, and no one shall turn on the water before the necessary repairs are made.

(Ord. 37, 5/11/1938, Art. V, §1-2)

**§26-106. Receipts and Deposits of Water Rents.**

The Borough Treasurer shall deposit all monies received from the Water Superintendent in a special account entitled "Water Department of the Borough of Richlandtown Account." Triple receipts shall be issued by the Treasurer for each rent paid; one receipt shall be delivered to the payer, another to the Water Superintendent, to enable him to keep accurate accounts, and the third shall remain with the Borough Treasurer.

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(Ord. 37, 5/11/1938, Art. VI, §1)

### **§26-107. Supply of Water; Permits; Water Mains and Pipes; Corporation and Stop Cocks.**

1. Every person or persons who may desire a supply of water, or to make additional extensions for the use thereof other than those already provided for in their permit, shall make application to the Water Department, setting forth the location of the house or premises applied for and describing the different purposes for which the water is to be used, so as to enable the Department to fix the price for the quantity of water so required in accordance with the list of prices fixed by Council; whereupon the applicant shall, upon payment of the permit charge, be furnished with a permit by the Superintendent for the introduction and use of the water, which permit, to be valid, the Superintendent shall enter into a book to be kept by him for that purpose. The permit shall contain the name of the applicant, the location of the premises, the amount paid by him for the permit and the water to which the applicant is entitled. The Superintendent shall report to the Borough Council at the end of each month the amount of money received and delivered to the Borough Treasurer, and the permits issued. Every person or persons having attachments of any kind made without first complying with the requirements of this Section shall upon conviction, be subject, for each offense, to the penalties hereinafter provided.
2. Any permit issued by the Superintendent authorizing the supplying of water to any premises shall only apply to such premises, and shall not authorize the supplying of water to any other building with its appurtenances or premises, by means of the same attachment or ferrule.
3. It shall be unlawful for any person or persons to connect pipe or pipes to the service mains or other pipes in such manner that more than one dwelling house or other building or portion thereof, with its appurtenances, shall be supplied with water by means of the same ferrule and supply pipe; but each separate premises shall have a separate attachment. Dwelling house or building as herein used shall mean any building under one and the same roof.
4. Any plumber or other person, excepting those chosen for that purpose, who shall introduce a ferrule into any public or private pipe, or form any connection or communication whatever with such pipes, or break ground for that or any other similar purposes in the public streets or alleys of the Borough, or introduce or use a ferrule of a larger diameter than is specified in his or their permits, shall, upon conviction, be subject for each offense, to the penalties hereinafter provided.
5. Unless otherwise provided by Council, no water mains shall be laid except under the supervision of the Superintendent at the cost of the property owner or owners benefited, and shall be of such character as the Borough Council may authorize.

6. All the connecting or conducting pipes from mains to stop-cocks shall be of copper, the corporation attaching into the main shall be of brass and the curb stop shall be of brass also. Such pipes shall have a curb stop affixed thereto, which shall be a heavy brass stop round to be furnished and approved by the Superintendent, within the limits of the sidewalk or pavement, at a distance of 12 inches from the curb. All persons who will be supplied with water from a branch connecting with a private pipe, shall have a stop-cock affixed to the branch as near as conveniently may be to the private pipe aforesaid, so to stop the supply of water through the branch whenever requisite, without interrupting the supply of other persons connected therewith. All persons who may be supplied with water from a pipe, or having a branch or branches connected therewith, as aforesaid, shall, each, in like manner, have stop-cock affixed for the purpose aforesaid; and in case of neglect or refusal to comply with each or any of the aforesaid requirements, shall, upon conviction, be subject to the penalties hereinafter provided.
7. To every stop-cock placed in the manner directed and specified in subsection (6) of this Section, there shall be left an opening, of a least four inches square, or if round, of that diameter, which shall be protected with a suitable cock-box and securely covered with an iron top in such a manner that the situation of the stop-cock may be readily distinguished; which covering, wherever placed, shall be even with the surrounding pavement, or level with the surface. Over every curb stop placed in the manner directed in subsection (6), there shall be placed a cast iron curb box, even with the pavement, to be approved and supplied by the Superintendent. The curb box shall have an extension stem inside from the curb stop to within six inches of top of curb box for the purpose of regulating the supply of water. This extension shall also be supplied and approved by the Superintendent. Each corporation attaching to the main shall be placed at an angle of 45°. If any owner or occupier of any building, lot or premises into which water may have been introduced, shall neglect to comply with this provision, or shall suffer such opening, if in any street or alley, to remain uncovered, he, she or they so offending, shall, upon conviction, be subject to the penalties hereinafter provided.
8. The Superintendent shall charge for furnishing and installing corporation cocks and curb stops a rate to be hereafter determined by Borough Council.
9. All persons who shall have taken out a permit for the use of water, intending to discontinue the use thereof by removal from the premises or sale of their property, shall give notice of their intention in writing to the Superintendent, at least one month before the expiration of the time for which they have contracted for a supply of water, and insert in such notice the name or names of the holder or occupier of the same premises after them. Upon failure to give such notice, the person or persons in whose name on the contract for water rent or the owner of the property shall be deemed and taken to be parties to the contract and chargeable with rents due and to become due for the same, and liable to be sued therefore.
10. If any person other than those who may be actual occupiers of a building lot of ground or premises into of for the particular accommodation of which, according to the permit issued, water may have been introduced, shall resort to any hydrant or

## WATER

pump, and use the water therefrom, without a regular permit from the Water Department, such persons so offending, shall, upon conviction, be subject to the penalties hereinafter provided, and the occupier of any hydrant shall, for every time he or she permits the use of his or her hydrant to any person disconnected from their families who holds no permit, upon conviction, likewise be subject to such penalties.

11. All service pipes conveying water shall be laid not less than 3 1/2 feet under the surface, and no corporation shall be inserted into the Borough water mains until the service ditch has been opened to the proper depth from the Borough main to the curb stop.
12. Whenever it may be deemed necessary the Superintendent to inspect or cause to be inspected the water service pipes or fixtures in any buildings, lot of ground or premises into or through which pipes for conducting a supply of water may be laid, it shall and may be lawful for the Superintendent to enter at all reasonable times into such building, or premises, for the purpose of examining the pipes of conduit, and ascertaining whether the same, or the cocks or fixtures thereof, are in proper order and repair, or for cutting off pipes of communication when delinquencies occur in payment of the rent. Any person who shall obstruct or oppose either of the officers aforesaid in making such examination or in detaching the pipes, shall, upon conviction, be subject to the penalties hereinafter provided.
13. It shall not be lawful for any person to use water from public or private pipes for building purposes of any kind without first having obtained a permit for such purpose from the Superintendent. The Superintendent shall assess the fee or charge for the use of the water in accordance with the price list, furnished him by Council. Any person or persons who shall use water without having first obtained such permit, shall, upon conviction, be subject to the penalties hereinafter provided.
14. Any person or persons who may be permitted by the Superintendent to have water from the public pipe for sprinkling the streets in the Borough shall be required, before using such water, to enter into a bond for the sum of 200, with security approved by Council, for the weekly or monthly payment of all monies for water used for such purposes, and for any and all damages that may result by such person or persons injuring fire plugs or other apparatus or fixtures belonging to the water works. Such persons shall stop using the water whenever requested by the Superintendent, and shall, upon conviction, be subject, for refusal to do so, to the penalties hereinafter provided.
15. It shall be unlawful for any plumber or other person to shut off the water in any of the mains without having first obtained a permit for that purpose from the Superintendent; which permit shall set forth that the applicant has permission to stop off the water at a certain stop-cock (naming the location), for the space of (name the time). Any plumbing or other person violating this provision shall be subject to the penalties hereinafter provided, and in addition, in case of neglect or refusal to turn on the water after the expiration of the time allotted in such permit, the par-

ties so offending shall forfeit and pay a fine of 1 for every 10 minutes exceeding the time specified in the permit.

16. All plumbers or other persons authorized by permit to shut off the water in any mains shall give one hour's notice to citizens in whose neighborhood they propose to make alterations or repairs of water pipes, before turning off the water.

(Ord. 37, 5/11/1938, Art. VII, §§1-16)

#### **§26-108. Plumbers.**

1. It shall be unlawful for any person to carry on the plumbing business, or to make any connections or repairs to any of the water pipes, either public or private, without first receiving a license from the Health Department. The license shall set forth such rules and regulations as the department may deem expedient for the good government thereof. Any person or persons violating any of the provisions of this Section, or the rules and regulations set forth in the license, shall, upon conviction, be subject to the penalties hereinafter provided.
2. All plumbers licensed as heretofore provided shall report monthly to the Superintendent all improvements and additions made in the water arrangements of any premises in the Borough, and if any plumber as aforesaid shall neglect or refuse to make such monthly report, he or they, shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 37, 5/11/1938, Art. VIII, §§1-2)

#### **§26-109. Fire Plugs.**

No person shall be allowed to open a fire plug, except such persons as have been granted a permit by the Superintendent. If any person entrusted with the spanners of the fire-plugs, or others, shall open a fire plug upon any occasion, except at the request or permission of one of the employees of the Water Department or the Superintendent thereof, or in case if fire in the neighborhood, and shall neglect or refuse to shut the same as soon as the fire is extinguished, or if any person or persons shall willfully, negligently or carelessly injure the pipes or conduit, the hydrants or fire plugs, or any other device connected with the pipes in the street, he, she or they so offending, shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. 37, 5/11/1938, Art. IX, §1)

#### **§26-110. Penalties.**

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 less than 5 nor more than 1,000 plus

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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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 37, 5/11/1938, Art. X, §1; as amended by A.O.

### **§26-111. Urgency.**

This Part is hereby declared to be urgent, and shall take effect immediately upon the passage thereof.

(Ord. 37, 5/11/1938, Art. XI, §1)

### **§26-112. Water Rate Schedule.**

1. From and after May 1, 1980, the owner of any property on which a water meter is installed after May 1, 1980 shall be required to deposit the sum of \$35 which deposit shall be returned when the meter is removed, provided that all bills for water service and meter repairs have been paid in full.
2. From and after May 1, 1980, the owner of any property to which water is supplied by the Borough shall be primarily responsible for the payment of the water rent charged for the water service to that premises, whether or not the premises are leased to someone other than the property owner. Premises to which water has been supplied which has not been paid for are hereby made subject to a lien upon the filing of the same in the Prothonotary's Office of Bucks County.
3. Bills for water rent are due when presented, and if not paid within 30 days, are subject to a penalty of 50% of the bill, which shall be added after the end of 30 days from the date of such billing in addition, interest shall accrue on unpaid bills at the rate of 1/2% per month to be calculated on the face amount of the bill plus penalty. The penalty and interest hereby imposed may be collected in the same manner as the water rent is collected and in the event that either the interest or penalty has not been paid, the water rent shall be deemed to remain unpaid for the purposes of discontinuing service and for the purpose of filing liens for unpaid water rent.
4. When water rent or any penalty or interest in connection therewith is due and unpaid for a period of 30 days after the end of the quarter for which the service was provided, the Secretary, at his discretion, may direct the Superintendent to discontinue service as hereinafter provided, or direct the Borough Solicitor to enter a municipal lien against the premises to which the unpaid water service has been supplied, or both, whereupon the Superintendent and the Solicitor are respectively directed to discontinue the water service and enter the municipal lien of record against the property to which the service has been supplied.



5. In the event that the water meter reader is not able to enter any premises for the purpose of reading the water meter, he shall leave a note at a conspicuous place on the premises indicating his inability to read the meter and requesting the owner or occupier to read the meter himself and deliver the reading to the meter reader or to arrange directly with the meter reader for the latter to read the meter. In the event that the meter reader is unable to enter the premises for the purpose of reading the meter and has not received a reading from the owner or occupier or has not been contacted by the owner or occupier to read the meter at a time when access has been provided to him, and a period of 15 days has lapsed from the time that the notice of his inability to read the meter was left on the premises, the meter reader shall immediately notify the Secretary who shall direct the Superintendent to disconnect water service to the premises as hereinafter provided.
6. Water service shall not be discontinued to any customer for nonpayment of bills or for failure to permit the meter reader access to the premises until the Secretary has sent by regular mail with postage prepaid to the address to which water bills are sent and with the Secretary's return address affixed thereon, two letters not less than seven days apart and giving notice that water service will be discontinued unless the unpaid bill together with penalty and interest is paid and/or the access is immediately provided for the purpose of meter reading. The second letter shall specify that the water service will be discontinued at any time after the lapse of five days from the date of that letter. Provided, however, that if fraudulent use of water is detected or if the meter or other measuring equipment has been tampered with, or if a dangerous condition is found to exist on the premises of the customer, the Superintendent may shut off the water without advance notice. In the event that the customer to whom the notices of discontinuance of service referred to above are sent is not the owner of the premises to which the water service is being provided, the Secretary shall send copies of the notices referred to above in the same manner to the owner of the property at the owner's address as shown on the tax duplicate of the tax collector of the Borough.
7. In any instance when water service has been discontinued under the provisions of this Part, the water service will not be resumed until the Borough has received a disconnection fee of \$10 and a reconnection fee of \$10, for a total of \$20, as well as the payment of all water rent, interest and penalties then due.

(Ord. 37, 5/11/1938, Art. XII, §1; as amended by Ord. 41, 11/11/1940, §1; by Ord. 65, 2/9/1953, §1, by Ord. 140, 1/13/1975, §1; and by Ord. 162, 4/1/1980, §I-VII)



**PART 2**

**STORMWATER MANAGEMENT**

**A. General Provisions.**

**§26-201. Statement of Findings.**

The Richlandtown Borough Council finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of Richlandtown Borough and all the people of the Commonwealth, their resources and the environment.

(Ord. 238, 2/10/2003, Art. I, §101)

**§26-202. Purpose.**

The purpose of this ordinance is to promote health, safety, and welfare within the Tohickon Creek Watershed by minimizing the damages described in §26-201(A) of this Part through provisions designed to:

- A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- B. Utilize and preserve the existing natural drainage systems.
- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- D. Maintain existing flows and quality of streams and watercourses in Richlandtown Borough and the Commonwealth.
- E. Preserve and restore the flood-carrying capacity of streams.

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- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in Richlandtown Borough.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

(Ord. 238, 2/10/2003, Art. I, §102)

### **§26-203. Statutory Authority.**

The Borough is empowered to regulate land use activities that affect runoff by the authority of the Act of October 4, 1978 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the “Stormwater Management Act,” [and the applicable municipal code].

(Ord. 238, 2/10/2003, Art. I, §103)

### **§26-204. Applicability.**

- 1. Any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures consistent with the provisions of the Tohickon Creek watershed stormwater plan.
- 2. This Part shall apply to those areas of Richlandtown Borough that are located within the Tohickon Creek Watershed, as delineated in Appendix D which is hereby adopted as part of this Part.

(Ord. 238, 2/10/2003, Art. I, §104)

### **§26-205. Exemptions.**

- 1. Any regulated activity that meets the following exemption criteria is exempt from the requirements of §26-223(1) of this Part. This exemption does not relieve the landowner or developer from complying with water quality and groundwater recharge standards under §26-223(2) and §26-223(3) the special requirements under §26-223(12) for areas within Exceptional Value and High Quality sub-watersheds. Further, this exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property.
- 2. However, the owner/developer of a parcel of less than one acre in size may request a waiver from the Richlandtown Borough Council from the requirements of this Part if the owner/developer provides a detailed technical report prepared by a qualified professional engineer or professional geologist proving that meeting these requirements is infeasible (such as due to the existence of underlying rock formations), or that compliance with the requirements creates a condition which

may adversely impact a neighboring property (such as with a stormwater discharge). The report must be reviewed and deemed satisfactory by the Borough Engineer before the Council can consider the waiver request.

**Stormwater Management Exemption Criteria\***

<b>Total Parcel size</b>	<b>Minimum Setback Distance+</b>	<b>Impervious Area Exemption (sq. ft.)</b>
0 – 0.5 acre	10 ft.	2000 sq. ft.
>0.5 – 1 acre	50 ft.	5000 sq. ft.
>1 – 2 acres	100 ft.	10,000 sq. ft.
>2 – 5 acres	250 ft.	15,000 sq. ft.
>5 acres	500 ft.	20,000 sq. ft.

\* This exemption is cumulative such that it applies only once to a tract, and if the exemption amount is exceeded, it is not applicable and all previously exempted impervious areas must be managed.

+ The minimum setback distance is measured between the proposed impervious area and/or stormwater control/structure/discharge point to the downslope property boundary. In lieu of meeting the minimum distance criteria, the applicant may provide documentation for Township approval from any professional authorized to perform this work under the Engineer, Land Surveyor, and Geologist Registration Law, May 23, 1945, P.L. 913, No. 367, (63 P.S. Section 148 et seq., P.L. 913, as amended.) that the increased flows from the site leaves the site in the same manner as the pre-development condition, and that there will be no adverse effects to the properties along the path of the flow(s) or that increased flow(s) will reach a natural watercourse or an existing stormwater management structure before adversely affecting any property along the path of the flow(s).

(Ord. 238, 2/10/2003, Art. I, §105)

**§26-206. Repealer.**

Any ordinance or ordinance provisions of Richlandtown Borough inconsistent with any of the provisions of this Part is hereby repealed to the extent of the inconsistency only.

(Ord. 238, 2/10/2003, Art. I, §106)

**§26-207. Severability.**

Should a court of competent jurisdiction declare any Section or provision of this Part invalid, such decision shall not affect the validity of any of the remaining provisions of this part.

(Ord. 238, 2/10/2003, Art. I, §107)

**§26-208. Compatibility with Other Ordinance Requirements.**

Approvals issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

(Ord. 238, 2/10/2003, Art. I, §108)

**B. Definitions**

**§26-211. Definitions.**

For the purposes of this Part, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used or occupied” include the words “intended, designed, maintained, or arranged to be used, occupied or maintained.”

**ACCELERATED EROSION** — the removal of the surface of the land through the combined action of man’s activity and the natural processes of a rate greater than would occur because of the natural process alone.

**AGRICULTURAL ACTIVITIES** — the work of producing crops and raising livestock, including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

**ALTERATION** — as applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the

changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT — a landowner or developer who has filed an application for approval to engage in any Regulated Activities as defined in §26-204 of this Part.

BMP (BEST MANAGEMENT PRACTICE) — stormwater structures, facilities and techniques intended to maintain or improve the hydrologic regime or improve the water quality of surface runoff.

CHANNEL EROSION — the widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CISTERN — an underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT — the Bucks County Conservation District.

CULVERT — a structure with appurtenant works which carries a stream under or through an embankment or fill.

DAM — an artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad, or other purposes which does or may impound water or another fluid or semifluid.

DESIGN STORM — the magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems.

DESIGNEE — the agent of the Bucks County Planning Commission and/or agent of the Borough Council involved with the administration, review, or enforcement of any provisions of this Part by contract or memorandum of understanding.

DETENTION BASIN — an impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION DISTRICT — those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

DEVELOPER — a person, partnership association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Part.

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**DEVELOPMENT SITE** — the specific tract of land for which a regulated activity is proposed.

**DOWNSLOPE PROPERTY LINE** — that portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

**DOWNSTREAM HYDRAULIC CAPACITY ANALYSIS** — any downstream capacity hydraulic analysis conducted in accordance with this ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:

- (1) Natural or manmade channels or swales must be able to convey the increased rate of runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual.
- (2) Natural or manmade channels or swales must be able to convey the increased 25-year return period rate of runoff without creating any hazard to persons or property.
- (3) Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period rate of runoff.
- (4) No new channels or conveyance facilities shall be authorized by this language.

**DRAINAGE CONVEYANCE FACILITY** — a stormwater management facility designed to transmit stormwater runoff which shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

**DRAINAGE EASEMENT** — a right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

**DRAINAGE PERMIT** — a permit issued by the township governing body after the drainage plan has been approved. Said permit is issued prior to or with the final Borough approval.

**EARTH DISTURBANCE** — any activity including, but not limited to, construction, mining, timber harvesting and grubbing which alters, disturbs, and exposes the existing land surface

**EROSION** — the movement of soil particles by the action of water, wind, ice, or other natural forces.



**EROSION AND SEDIMENT POLLUTION CONTROL PLAN** — a plan which is designed to minimize accelerated erosion and sedimentation.

**EXISTING CONDITIONS** — the initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as “meadow” unless the natural land cover is proven to generate lower curve numbers or Rational “C” value, such as forested lands.

**FLOOD** — a general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

**FLOODPLAIN** — any land area susceptible to inundation by water from any natural source of delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary mapped as being a special flood hazard area. Also included are areas that compose Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PA DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PA DEP).

**FLOODWAY** — the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

**FOREST MANAGEMENT/TIMBER OPERATIONS** — planning and activities necessary for the management of forest land. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

**FREEBOARD** — a vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

**GRADE** — a slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade – to finish the surface of a roadbed, top of embankment or bottom of excavation.

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**GRASSED WATERWAY** — a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from cropland.

**GROUNDWATER RECHARGE** — replenishment of existing natural underground water supplies.

**IMPERVIOUS SURFACE** — impervious surfaces are those surfaces which do not absorb water. All structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, or packed stone shall be considered impervious surface. In addition, all other areas as determined by the Borough Engineer to be impervious within the meaning of this definition shall also be considered as impervious surface.

**IMPOUNDMENT** — a retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

**INFILTRATION STRUCTURES** — a structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench).

**INLET** — a surface connection to a closed drain. A structure at the diversion end of conduit. The upstream end of any structure through which water may flow.

**LAND DEVELOPMENT** — the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more buildings, or the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; any subdivision of land.

**LAND/EARTH DISTURBANCE** — any activity involving grading, tilling, digging or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

**MAIN STEM (MAIN CHANNEL)** — any stream segment or other runoff conveyance facility used as a reach in the Tohickon Creek hydrologic model.

**MANNING EQUATION IN (MANNING FORMULA)** — a method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. “Open channels” may include closed conduits so long as the flow is not under pressure.

**MUNICIPALITY** — Richlandtown Borough, Bucks County, Pennsylvania.

**NONPOINT SOURCE POLLUTION** — pollution that enters a watery body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**NRCS** — Natural Resource Conservation Service (previously SCS).

**OPEN CHANNEL** — a drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and manmade drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

**OUTFALL** — point where water flows from a conduit, stream or drain.

**OUTLET** — points of water disposal from a stream, river, lake, tidewater or artificial drain.

**PARKING LOT STORAGE** — involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

**PEAK DISCHARGE** — the maximum rate of stormwater runoff from a specific storm event.

**PENN STATE RUNOFF MODEL (CALIBRATED)** — the computer-based hydrologic modeling technique adapted to the Tohickon Creek watershed for the Act 167 Plan. The model has been “calibrated” to reflect actual recorded flow values by adjoining key model input parameters.

**PIPE** — a culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

**PLANNING COMMISSION** — the Planning Commission of the Borough of Richlandtown.

**PMF (PROBABLE MAXIMUM FLOOD)** — the flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**RATIONAL FORMULA** — a rainfall-runoff relation used to estimate peak flow.

**RECHARGE VOLUME** — a calculated volume of stormwater runoff from impervious areas which is required to be infiltrated at a site and may be achieved through use of structural or nonstructural BMPs.

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**REGULATED ACTIVITIES** — any activity to which this ordinance is applicable pursuant to §26-204 of this Part.

**RELEASE RATE** — the percentage of predevelopment peak rate of runoff from as site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

**RETENTION BASIN** — an impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

**RETURN PERIOD** — the average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every 25 years.

**RISER** — a vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

**ROOFTOP DETENTION** — temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

**RUNOFF** — any part of precipitation that flows over the land surface.

**SEDIMENT BASIN** — a barrier, dam, or retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**SEDIMENT POLLUTION** — the placement, discharge or any other introduction of sediment into the waters of the commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirement of this Part.

**SEDIMENTATION** — the process by which mineral or organic matter is accumulated or deposited by the movement of water.

**SEEPAGE PIT/SEEPAGE TRENCH** — an area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

**SHEET FLOW** — runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

**SOIL-COVER COMPLEX METHOD** — a method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**SOIL GROUP, HYDROLOGIC** — a classification of soils by the Soil Conservation Service into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

**SPILLWAY** — a depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond.

**STORAGE INDICATION METHOD** — a reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

**STORM FREQUENCY** — the number of times that a given storm “event” occurs or is exceeded on the average in a stated period of years. See “Return Period.”

**STORM SEWER** — a system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

**STORMWATER** — the total amount of precipitation reaching the ground surface.

**STORMWATER MANAGEMENT FACILITY** — any structure, natural or manmade, that, due to its condition, design or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

**STORMWATER MANAGEMENT PLAN** — the plan for managing stormwater runoff in the Tohickon Creek Watershed adopted by as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the “Tohickon Creek Watershed Action 167 Stormwater Management Plan.”

**STORMWATER MANAGEMENT SITE PLAN** — the plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this ordinance.

**STREAM ENCLOSURE** — a bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

**SUBAREA** — the smallest drainage unit of watershed for which stormwater management criteria have been established in the stormwater management plan.

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**SUBDIVISION** — the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt.

**SWALE** — a low-lying stretch of land which gathers or carries surface water runoff.

**TIMBER OPERATIONS** — see “Forest Management.”

**TIME OF CONCENTRATION (TC)** — the time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**VOLUMETRIC RUNOFF COEFFICIENT** — a variable indicative of storm-water runoff volume and dependent on the impervious coverage for a site.

**WATER QUALITY VOLUME** — a calculated volume of stormwater runoff from impervious areas which is required to be captured and treated at a site and may be achieved through use of structural or non-structural BMPs. Numerically, the water quality volume is a product of the volumetric runoff coefficient, the site area, and a depth of rainfall of one inch.

**WATERCOURSE** — any channel or conveyance of surface waters having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERS OF THE COMMONWEALTH** — any and all rivers, streams, creeks, rivulets, ditches watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies of channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**WETLAND** — those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns, and similar areas.

**WETLAND DELINEATION** — the process by which wetland limits are determined. Wetlands must be delineated by a qualified specialist according to the 1989 Federal Manuals (as amended) for the Delineation of Jurisdictional Wetlands (whichever is greater) or according to any subsequent Federal or State regulation. Qualified specialist shall include those persons be-

ing Certified Professional Soil Scientists as registered with Registry of Certified Professionals in Agronomy Crops and Soils (ARCPACS); or as contained on consultant's list of Pennsylvania Association of Professional Soil Scientists (PAPSS); or as registered with National Society of Consulting Soil Scientists (NSCSS), or as certified by State and/or Federal certification programs; or by a qualified Biologist/Ecologist.

(Ord. 238, 2/10/2003, Art. II)

### **C. Stormwater Management.**

#### **§26-221. General Requirements.**

1. All regulated activities in the Tohickon Creek Watershed which do not fall under the exemption criteria shown in §26-205. This Part shall submit a Stormwater Management Site plan consistent with the Tohickon Creek Watershed Stormwater Management Plan to Richlandtown Borough for review. These criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of comparison to the waiver criteria.
2. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this ordinance.
3. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this ordinance.
4. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of exiting discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
5. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement shall be required, except as approved by the appropriate governing authority.

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6. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, through the General Permit process.
7. Any stormwater management facilities regulated by this Part that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.
8. Any stormwater management facilities regulated by this Part that would be located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PA DOT).
9. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities.
10. Roof drains must not be connected to streets, sanitary or storm sewers, or roadside ditches to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case by case basis by Richlandtown Borough.

(Ord. 238, 2/10/2003, Art. III, §301)

### **§26-222. Stormwater Management Districts.**

1. Mapping of Stormwater Runoff Peak Rate Districts. In order to implement the provisions of this Tohickon Creek Watershed Stormwater Management Plan, Richlandtown Borough is hereby divided into Stormwater Runoff Peak Rate Districts consistent with the plan. The boundaries of the districts are indicated on the runoff peak rate district map that is available for inspection at the Richlandtown Borough Hall building. A large-scale boundary map is included as Appendix D for reference.
2. The exact location of the Stormwater Runoff Peak Rate District boundary as it applies to a given development site shall be determined by mapping the boundaries using the 2-foot or 5-foot topographic contours provided as part of the stormwater management plan developed for the site in accordance with the Borough Subdivision and Land Development Regulations [Chapter 22]. The district



boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse or a potential flow obstruction to the topographic divide consistent with topography. The locations determined on the stormwater management plan shall be reviewed and verified by the Borough Engineer.

3. Description of Stormwater Runoff Hydrologic Peak Rate Districts.
  - A. Conditional No Detention Districts. Subareas included in this district are 2, 3, 8-10, 18, 20, 21, 42, 43, 53, 54, 56, 57, 59, 61, 62, 67, 70-73, 76, 77, 81-83. These sub-areas may discharge post-development runoff without detention facilities without diversely affecting the total watershed peak flow. In certain instances, the conveyance capabilities of the local receiving facilities may not be adequate to safely transport the increased peak flows from undetained runoff. In these cases, the developer shall assure that 100% release rate control is applied to the particular receiving stream(s), and/or the developer may provide increased capacity of those receiving facilities in order to insure safe passage of any undetained runoff.
  - B. One Hundred Percent Release Rate District. Subareas included in this district are 4-7, 11-17, 19, 22-28, 31-34, 41, 44-51, 53, 55, 58, 60, 63, 64, 66, 68, 69, 74, 75, 84-98, 101, 109, 111-114, 116, 118, 119, 121-126.
  - C. Ninety Percent Release Rate District. Subareas included in this district are 30, 35-40, 226.
  - D. Seventy-five Percent Release Rate District. Subareas included in this district are 78-80, 99, 100, 102-108, 110, 115, 117, 120.

(Ord. 238, 2/10/2003, Art. III, §302)

**§26-223. Stormwater Management District Implementation Provisions (Performance Standards).**

1. General. Postdevelopment rates of runoff from any regulated activity shall not exceed the specified Hydrologic District peak release rates of runoff for the design storms specified on the Stormwater Runoff Peak Rate Districts Map, Ordinance Appendix D and §26-322, of this subpart. Calculations must be provided to ensure that post-development runoff peak rates from storms including the 2, 5, 10, 25, 50, and 100-year frequency storm do not exceed pre-development peak rates, or the Hydrologic District peak release rate for that district, for similar frequency storms.
2. Groundwater Recharge. Developed areas shall maintain groundwater recharge consistent with pre-development conditions, dependent on hydrologic soil groups and impervious cover. A minimum of one inch of runoff shall be infiltrated unless the developer can prove the inability of the site to achieve this specific volume

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based on existing site conditions. The maximum available recharge shall be calculated based on utilizing the most capable recharge areas of the site. This volume of runoff is termed the “Recharge Volume” and is calculated in accordance with §26-225(K).

- A. Design of the Stormwater management facilities shall provide for ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface runoff characteristics have been altered. A detailed geologic evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist and/or soil scientist, and shall, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability. Where pervious pavement is permitted for parking lots, recreational facilities, nondedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
  - B. Whenever a stormwater facility will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors (“K” factors). Richlandtown Borough may require the installation of an impermeable liner in detention basins. If the developer can prove through analysis that the site is in an area underlain by limestone, and such geologic conditions may result in sinkhole formations, then the site is exempt from recharge requirements. However, the site shall still be required to meet all other hydrologic and water quality management standards as found in this Part. It shall be the developer’s responsibility to verify if the site is underlain by limestone. The following note shall be attached to all Stormwater Management Site plans and signed and sealed by the developer’s engineer/surveyor/landscape architect/architect “I \_\_\_\_\_, certify that the proposed detention basin (circle one) is/is not underlain by limestone.”
3. **Water Quality.** Developed areas will provide adequate storage and treatment facilities necessary to capture and treat the Water Quality Volume (WQv) consistent with Subparts C and D of this Part. The “Water Quality Volume” is calculated in accordance with §26-225(J). The Recharge Volume may be a component of the Water Quality Volume. If the Recharge Volume is less than the Water Quality Volume, the remaining Water Quality Volume may be captured and treated by methods other than recharge/infiltration BMPs.
  4. **District Boundaries.** The boundaries of the Stormwater Management Districts are shown on an official map, which is available for inspections at the Borough office. A copy of the official map at a reduced scale is included in this Part as Appendix D. The exact location of the Stormwater Management District boundaries as they apply to a given development site shall be determined by mapping the boundaries

using topographic contours at an appropriate level of detail, but in no case less than two-foot intervals. Richlandtown Borough may determine a more frequent contour interval is necessary to adequately delineate the district boundary. This information will be provided as part of the Stormwater Management Site Plan.

5. **Sites Located in More Than One District.** For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the predevelopment peak discharge for that subarea multiplied by the applicable release rate. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas recombine in proximity to the site. In this case, peak discharge in any direction may be a 100% release rate provided that the overall site discharge meets the weighted average release rate.
6. **Off-Site Areas.** Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
7. **Site Areas.** Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the release rate criteria.
8. **Stormwater Conveyance Corridor Protection (Riparian Corridor Preservation and Vegetation).** Runoff from developed areas of the site, including, but not limited to, areas of impervious surface, shall be managed through a series of riparian corridor vegetation facilities whenever possible. This will be accomplished in a manner satisfactory to Richlandtown Borough, utilizing the "Pennsylvania Handbook of Best Management Practices for Developing Areas," 1998, Riparian Forested Buffer, and the priority goal of the riparian vegetation will be the reduction of thermal impacts on stormwater runoff associated with impervious areas, with a secondary goal being the protection of capacity of existing stormwater conveyance channels. These goals will be achieved through the use of design criteria in §26-224(10) of this Subpart, and shall be in addition to any other municipal ordinance provisions. Within a particular district, Richlandtown Borough may require the submission of a downstream hydraulic capacity analysis to verify stormwater management routing, timing, combined peak effects, etc. associated with unanticipated impervious cover and development, such as may result from changes in Zoning or Conditional Uses which exceed projected growth for a particular watershed. Such analysis shall be conducted in accordance with this ordinance and is subject to the review and approval of the Borough engineer.
9. **Regional Detention Alternatives.** For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins

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must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the stormwater management plan.

(Ord. 238, 2/10/2003, Art. III, §303)

### **§26-224. Design Criteria for Stormwater Management Facilities.**

1. Any stormwater facility located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
2. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Part shall be designed to provide an emergency spillway to handle flow up to and including the 100-year postdevelopment conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year postdevelopment inflow. Should any stormwater management facility require a dam safety permit under PA DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than 100-year event.
3. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in PA DEP Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP. Any other drainage conveyance facility that doesn't fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum 1.0-foot of freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in PA DEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PA DOT right of way must meet PA DOT minimum design standards and permit submission requirements.
4. Any drainage conveyance facility and/or channel that doesn't fall under Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PA DOT right-of-way must meet PA DOT minimum design standards and permit submission requirements.

5. Storm sewers must be able to convey post-development runoff from a 25-year design storm without surcharging inlets, where appropriate.
6. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
7. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. Guidelines established by the Pennsylvania Handbook of Best Management Practices for Developing Areas shall be utilized in determining stormwater management facility design. Richlandtown Borough shall reserve the right to disapprove any design that would result in the occupancy or continuation of an adverse hydrologic or hydraulic condition within the watershed. In selecting the appropriate BMPs or combinations thereof, the land developer SHALL take into account the following:
  - A. Total Contributing area.
  - B. Permeability and infiltration rate of the site soils.
  - C. Slope and depth to bedrock.
  - D. Seasonal high water table.
  - E. Proximity to building foundations and wellheads.
  - F. Erodibility of soils.
  - G. Land availability and configuration of the topography.

The following additional factors SHOULD be considered when evaluating the suitability of BMPs used to control water quality at a given development site:

- A. Peak discharge and required volume control.
- B. Streambank erosion.
- C. Efficiency of the BMPs to mitigate potential water quality problems.
- D. The volume of runoff that will be effectively treated.
- E. The nature of the pollutant being removed.
- F. Maintenance requirements.
- G. Creation/protection of aquatic and wildlife habitat.
- H. Recreational value.

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- I. Enhancement of aesthetic and property value.
8. Pipe or artificial swale discharge shall be set back 25 feet from a receiving waterway, and the pipe discharge shall be immediately diffused or spread out to reduce and eliminate high-velocity discharges to the impacted ground surface. The conveyance mechanism shall minimize disturbance and minimize velocity of discharge.
9. All infiltration devices and groundwater recharge facilities shall be designed to completely drain all water in three days subsequent to any storm event.
10. Riparian Corridor Preservation. The area up to 50 feet from top of streambank on either side of a stream shall be planted in accordance with Zone I and Zone II buffer planting requirements as depicted in "Pennsylvania Handbook of Best Management Practices for Developing Areas," 1998, Riparian Forested Buffer. Zone I will comprise, at a minimum, the first 15 feet from top of bank, with Zone II comprising the remaining 35 feet. This replanting may be waived by the local municipality along streambank areas which receive overland or shallow flow from upstream, undisturbed, meadow or other existing pervious surfaces.
11. All developments which create impervious surface shall provide capacity for and treatment of the "Water Quality Volume" and "Recharge Volume", unless exempt from applicability under §26-204.
12. Special requirements for areas falling within defined Exceptional Value and High-Quality Sub-Watersheds: The temperature and quality of water and streams that have been declared as exceptional value or high quality is to be maintained as defined in Chapter 93 Water Quality standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require the modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volume and rate controls is maintained. At a minimum, the southern half of pond shorelines shall be planted with shade or canopy trees within 10 feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to one. This will lessen the de-stabilization of berm soils due to root growth. A long-term maintenance schedule and management plan for the thermal control BMPs is to be established and recorded for all development sites.

(Ord. 238, 2/10/2003, Art. III, §304)

### §26-225. Calculation Methodology.

Stormwater runoff from all development sites shall be calculated using either the rational method or a soil-cover-complex methodology.

- A. Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. Table 1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site. Richlandtown Borough may approve the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres.
- B. All calculations consistent with this Part using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms presented in Table A-1 in Appendix A of this ordinance. If a hydrologic computer model such as PSRM or HEC-1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The NRCS ‘S’ curve shown in Figure A-1, Appendix A of this Part shall be used for the rainfall distribution.
- C. For the purposes of predevelopment flow rate determination, undeveloped land shall be considered as “meadow” good condition, unless the natural ground cover generates a lower curve number or Rational ‘C’ value (i.e., forest).
- D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Figure A-2). Times of concentration for overland flow shall be calculated using methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning’s equation.

**Table 1**  
**Acceptable Computation Methodologies For Stormwater Management Plans**

<b>Method</b>	<b>Method Developed By</b>	<b>Applicability</b>
TR-20 or commercial package based on TR-20	USDA–NRCS	When use of full model is desirable or necessary
TR-55 or commercial package based on TR-55	USDA – NRCS	Applicable for plans within the models limitations
HEC – 1	U.S. Army Corps of Eng.	When full model is desirable or necessary

**Table 1**  
**Acceptable Computation Methodologies For Stormwater Management Plans**

<b>Method</b>	<b>Method Developed By</b>	<b>Applicability</b>
PSRM	Penn State Univ.	When full model is desirable or necessary
Rational Method or commercial package based on Rational Method	Emil Kuiching (1889)	For sites less than 200 acres
Other methods	Various	As approved by the municipal engineer

- E. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table A-2 in Appendix A of this Part.
- F. Runoff coefficient (c) for both existing and proposed conditions for use in the Rational method shall be obtained from Table A-3 in Appendix A of this Part.
- G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning’s roughness coefficient (n) shall be consistent with Table A-4 in Appendix A of the Part. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this ordinance using any generally accepted hydraulic analysis technique or method.
- H. The design of any stormwater detention facilities intended to meet the performance standards of this Part shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. Richlandtown Borough may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- I. If the designer can substantiate through actual physical calibration that more appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendations of the Borough Engineer, provided that Richlandtown Borough has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. Calibration shall require detailed gauge and rainfall data for the particular site in question.



- J. Calculation of Water Quality Volume. The Water Quality Volume (WQ<sub>v</sub>) is the storage capacity needed to treat 90% of the average annual stormwater rainfall from the developed areas of the site. The following calculation is used to determine the storage volume, WQ<sub>v</sub>, in acre-feet of storage:

$$WQ_v = \frac{(1.95) (R_v) (A)}{12}$$

WQ<sub>v</sub> = Water Quality Volume

A = Area in acres

R<sub>v</sub> = 0.05 + 0.009(I) where I is the percent impervious cover (example: I = 50 for 50% impervious cover)

1.95 = is a coefficient representing the 90% annual rainfall (Pa Handbook of Best Management Practices for Developing Areas)

WQ<sub>v</sub> shall be designed as part of a stormwater management facility which incorporates water quality BMPs as a primary benefit of using that facility, in accordance with design specifications contained in "Pennsylvania Handbook of Best Management Practices for Developing Areas", 1998.

- K. Calculation of Recharge Volume. The Recharge Volume (Re<sub>v</sub>) is the volume of stormwater runoff from a developed site which shall be required to maintain existing pre-development groundwater recharge at development sites. It may be part of the Water Quality Volume, and is calculated on the basis of treatment and recharge by structural stormwater management practices, as follows:

$$Re_v = \frac{(S) (R_v) (A)}{12}$$

Re<sub>v</sub> = Recharge Volume

A = area in acres

R<sub>v</sub> = 0.05 + 0.009(I) where I is the percent impervious cover (example: I = 50 for 50% impervious cover)

S is the Soil Specific Recharge factor and varies according to soil type, as follows:

Hydrologic Soil Group	Soil Specific Recharge Factor (S)
A	0.38
B	0.26
C	0.14
D	0.07

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Structural stormwater management facilities which provide treatment and recharge of the required Recharge Volume will be designed as part of a stormwater management facility which incorporates groundwater recharge BMPs as a primary benefit of using that facility, in accordance with design specifications contained in "Pennsylvania Handbook of Best Management Practices for Developing Areas," 1998.

(Ord. 238, 2/10/2003, Art. III, §305)

### **§26-226. Erosion and Sedimentation Requirements.**

1. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Bucks Conservation District.
2. Additional erosion and sedimentation control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed and include the following:
  - A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.
  - B. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

(Ord. 238, 2/10/2003, Art. III, §306)

### **D. Stormwater Management Site Plan Requirements.**

#### **§26-231. General Requirements.**

For any of the activities regulated by this Part, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the property owner or developer or his/her agent has received written approval of a Stormwater Management Site Plan from Richlandtown Borough.

(Ord. 238, 2/10/2003, Art. IV, §401)

**§26-232. Stormwater Management Site Plan Contents.**

All activities regulated by §26-204 of this Part and governed by the Tohickon Creek watershed stormwater management plan shall prepare a stormwater management site plan. The stormwater management site plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the stormwater related computations and the erosion and sedimentation control plan shall refer to the associated maps by title and date. All stormwater management site plan materials shall be submitted to Richlandtown Borough in a format that is clear, concise, legible, neat, and well organized; otherwise, the stormwater management site plan shall be disapproved and returned to the applicant. The following items shall be included in the stormwater management site plan:

A. General.

- (1) General description of project.
- (2) General description of any permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
- (3) Complete hydrologic, hydraulic and structural computations for all stormwater management facilities.

B. Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and shall be prepared in a form that meets the requirements for recording the offices of the Recorder of Deeds of Bucks County. The contents of the map(s) shall include, but not be limited to:

- (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
- (2) Existing contours at intervals of one foot.
- (3) Existing streams, lakes, ponds or other bodies of water within the project area.
- (4) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved and the total extent of the upstream area draining through the site.
- (5) The locations of all the existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines.
- (6) An overlay showing soil names and boundaries. This overlay shall include a table on the map showing the recharge capabilities of each soil

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represented on-site in inches per hour and describe their recharge or infiltration capabilities.

- (7) Proposed changes to the land surface and vegetative cover, including the type, location, and amount of impervious area that would be added.
- (8) Proposed structures, roads, paved areas, and buildings.
- (9) Final contours of one foot.
- (10) The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- (11) The date of the plan submission.
- (12) A graphic and written scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be one inch equals no more than 100 feet. For small parcels, a smaller scale (e.g. one inch = 20 feet) may be required by the Borough Engineer.
- (13) A North arrow.
- (14) The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
- (15) Existing and proposed land use(s).
- (16) A key map showing all existing manmade features beyond the property boundary that would be affected by the project.
- (17) Horizontal and vertical profiles of all open channels, including hydraulic capacity.
- (18) Overland drainage paths.
- (19) A 15 foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
- (20) A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Part.
- (21) A construction detail of any improvements made to sinkholes and the location of all notes to be posted, as specified in this ordinance.

- (22) A statement signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by Richlandtown Borough.
- (23) The location of all erosion and sedimentation control facilities.

C. Supplemental Information.

- (1) A written description of the following information shall be submitted:
  - (a) The overall stormwater management concept for the project.
  - (b) Stormwater runoff computations as specified in this ordinance.
  - (c) Stormwater management techniques and best management practices to be applied both during and after development.
  - (d) Expected project time schedule.
- (2) A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by PA DEP.
- (3) A geologic assessment of the effects of stormwater runoff and infiltration on sinkholes as specified in this Part.
- (4) The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
- (5) A Declaration of Adequacy and Highway Occupancy Permit from the PennDOT district office when utilization of a PennDOT storm drainage system is proposed.

D. Stormwater Management Facilities.

- (1) All stormwater management facilities must be located on a plan with maps and described in detail.
- (2) Maps for groundwater recharge facilities must show the locations of existing and proposed septic tank infiltration areas and wells. A separation distance of no less than 20 feet shall be used between any septic system and any facility used for stormwater management.
- (3) All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown. If multiple facilities are used in conjunction with each other, such as infiltration best

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management practices with vegetation based management practices, a summary narrative shall be included describing any sequencing and how the facilities are meant to function with each other to manage stormwater runoff.

(Ord. 238, 2/10/2003, Art. IV, §402)

### **§26-233. Stormwater Management Site Plan Submission.**

For the purpose of complying with this Part, the steps below shall be followed for stormwater management site plan submission. For any activities that require a PA DEP joint permit application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PA DEP's Rules and Regulations, require a PA DOT highway occupancy permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

- A. The stormwater management site plan shall be submitted by the developer as part of the preliminary plan submission.
- B. A minimum of three copies of the stormwater management site plan shall be submitted.
- C. Distribution of the stormwater management site plan will be as follows:
  - (1) Two copies to Richlandtown Borough accompanied by the requisite municipal review fee, as specified in this ordinance.
  - (2) One copy to the Borough Engineer, qualified professional, or agency designated by Richlandtown Borough or per municipal ordinance required to review preliminary and final subdivision or land development plans.

(Ord. 238, 2/10/2003, Art. IV, §403)

### **§26-234. Stormwater Management Plan Review.**

- A. The Borough shall designate the Borough Engineer or other qualified persons to review the stormwater management site plan for consistency with the adopted Tohickon Creek Watershed Act 167 Stormwater Management Plan. Richlandtown Borough shall require receipt of a complete plan, as specified in §26-232 of this Part.
- B. The Borough Engineer or other qualified persons designated by Richlandtown Borough shall review the stormwater management site plan for any submission or land development against the Borough Subdivision and Land

Development Ordinance [Chapter 22] provisions not superseded by this Part.

- C. For activities regulated by this Part, the Borough Engineer or other qualified persons designated by Richlandtown Borough shall notify Richlandtown Borough in writing, within 45 calendar days, whether the stormwater management site plan is consistent with the municipal ordinance and the Tohickon Creek stormwater management plan. Should the stormwater management site plan be determined to be consistent with all the above ordinances and plans, the Borough Engineer or other qualified person designated by Richlandtown Borough will forward an approval letter to the developer with a copy to the Borough Secretary.
- D. Should the stormwater management site plan be determined to be inconsistent with the municipal ordinance or the Tohickon Creek stormwater management plan, the reviewer will forward a disapproval letter to the Developer with a copy to the Borough Secretary citing the reason(s) for the disapproval. Any disapproved stormwater management site plans may be revised by the developer and resubmitted consistent with this Part.
- E. For activities specified in §26-204 of this Part, the reviewer shall notify the Borough Building Permit Officer, in writing, within a time frame consistent with the Borough Building Code and/or Borough Subdivision Ordinance, whether the stormwater management site plan is consistent with the Borough ordinance or the Tohickon Creek stormwater management plan forward a copy of the approval/disapproval letter to the developer. Any disapproved Stormwater Management Site plan may be revised by the developer and resubmitted consistent with this Part.
- F. For activities requiring a PA DEP Joint Permit Application, the reviewer shall notify PA DEP whether the stormwater management site plan is consistent with the Tohickon Creek Stormwater Management Plan and forward a copy of the review letter to Richlandtown Borough and the developer. PA DEP may consider the reviewer's comments in determining whether to issue a permit.
- G. The Borough shall not approve any subdivision or land development for activities specified in §26-204 of this Part if the stormwater management site plan has been found to be inconsistent with Tohickon Creek Stormwater Management Plan, as determined by the Borough Engineer or other qualified persons designated by Richlandtown Borough. All required permits from PA DEP must be obtained prior to approval.
- H. The Borough Building Permit Office shall not issue a building permit for any activity specified in §26-204 of this Part if the stormwater management site plan has been found to be inconsistent with the Tohickon Creek Stormwater Management Plan, as determined by the Borough Engineer or other qualified persons designated by Richlandtown Borough, or without consider-

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ing the comments of the reviewer. All required permits from PA DEP must be obtained prior to issuance of a building permit.

- I. The developer shall be responsible for completing an “as-built survey” of all stormwater management facilities included in the approved stormwater management site plan. The as-built survey and an explanation of any discrepancies with the design plans shall be submitted to the Borough Engineer or other appointed review agency/person for final approval. In no case shall Richlandtown Borough approve the as-built survey until Richlandtown Borough receives a copy of an approved Declaration of Adequacy, Highway Occupancy Permit from the PennDOT district office, and any applicable permits from PA DEP.
- J. The Borough’s approval of a stormwater management site plan shall be valid for a period not to exceed two years. This two-year time period shall commence on the date that Richlandtown Borough signs the approved stormwater management site plan. If stormwater management facilities included in the approved stormwater management site plan have not been constructed, or if an as-built survey of these facilities has not been approved within this two-year time period, then Richlandtown Borough may consider the stormwater management site plan disapproved and may revoke any and all permits. Stormwater management site plans that are considered disapproved by Richlandtown Borough shall be resubmitted in accordance with §22-236 of this Subpart.

(Ord. 238, 2/10/2003, Art. IV, §404)

### **§26-235. Modification of Plans.**

1. A modification to a submitted stormwater management site plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the stormwater management site plan as determined by Richlandtown Borough, shall require a resubmission of the modified stormwater management site plan consistent with §26-233 of this Subpart and be subject to review as specified in §26-234 of this Subpart.
2. A modification to an already approved or disapproved stormwater management site plan shall be submitted to Richlandtown Borough, accompanied by the applicable review. A modification to a stormwater management site plan for which a formal action has not been taken by Richlandtown Borough shall be submitted to Richlandtown Borough, accompanied by the applicable Borough review fee.

(Ord. 238, 2/10/2003, Art. IV, §405)



**§26-236. Resubmission of Disapproved Stormwater Management Site Plans.**

A disapproved stormwater management site plan may be resubmitted, with the revisions addressing the reviewer's concerns documented in writing, to the reviewer in accordance with §26-233 of this Subpart and be subject to review as specified in §26-234 of this Subpart. The applicable municipal review fee must accompany a resubmission of a disapproved stormwater management site plan.

(Ord. 238, 2/10/2003, Art. IV, §406)

**E. Inspections.**

**§26-241. Schedule of Inspections.**

1. The Borough or the Borough assignee may observe the installation of the permanent stormwater management facilities, at their discretion, to determine compliance with the approved plan and proper construction procedures.
2. During any stage of the work, if Richlandtown Borough determines that the permanent stormwater facilities are not being installed in accordance with approved stormwater management plan, Richlandtown Borough may revoke or suspend any existing permits, or stop further construction of said facilities, until all improperly installed facilities are removed or repaired to the satisfaction of the Borough Engineer or Borough assignee. Furthermore, any appropriate amount of construction escrow funds which are requested by the developer for release by Richlandtown Borough may be held back until such time as improperly installed facilities are deemed to be correctly installed or repaired by the Borough Engineer.

(Ord. 238, 2/10/2003, Art. V, §501)

**F. Fees and Expenses.**

**§26-251. General.**

The fees required by this Subpart are the Borough engineer or outside review agency review fee and Richlandtown Borough review fee. Fees shall be established by Richlandtown Borough to defray review costs incurred by Richlandtown Borough, any outside review agencies or entities necessary to review submitted plans, and the Borough Engineer. The applicant shall pay all fees.

(Ord. 238, 2/10/2003, Art. VI, §601)

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### **§26-252. Municipality Stormwater Management Site Plan Review Fee.**

The Borough shall establish a review fee schedule by resolution of the Borough Council based on the size of the activity and based on Richlandtown Borough's costs for reviewing stormwater management site plans. Richlandtown Borough shall periodically update the review fee schedule to ensure that review costs are adequately reimbursed.

(Ord. 238, 2/10/2003, Art. VI, §602)

### **§26-253. Expenses Covered by Fees.**

The fees required by this ordinance shall at a minimum cover:

- A. Administrative costs.
- B. The review of the stormwater management site plan by Richlandtown Borough and the Borough Engineer or other qualified persons designated by Richlandtown Borough.
- C. The site inspections.
- D. The observation of the installation of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Stormwater Management Site Plan.
- F. Any additional work required to enforce any permit provisions regulated by this Part, correct violations, and ensure proper completion of stipulated remedial actions.

(Ord. 238, 2/10/2003, Art. VI, §603)

### **G. Maintenance Responsibilities.**

#### **§26-261. Performance Guarantee.**

The applicant should provide a financial guarantee to Richlandtown Borough for the timely installation and proper construction of all stormwater management controls as required by the approved stormwater plan and this ordinance equal to the full construction cost of the required controls.

(Ord. 238, 2/10/2003, Art. VII, §701)

**§26-262. Maintenance Responsibilities.**

1. The stormwater management site plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by Richlandtown Borough. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the facility(ies).
2. The stormwater management site plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principles:
  - A. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to Richlandtown Borough, stormwater control facilities may also be dedicated to and maintained by Richlandtown Borough.
  - B. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities shall be the responsibility of the owner or private management entity.
3. The Borough Council, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The Borough Council reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

(Ord. 238, 2/10/2003, Art. VII, §702)

**§26-263. Maintenance Agreement for Privately Owned Stormwater Facilities.**

1. Prior to final approval of the stormwater management site plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. Said agreement, designated as Appendix C, is attached and made part hereto.
2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Borough Solicitor and Borough Council.

(Ord. 238, 2/10/2003, Art. VII, §703)

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### **§26-264. Municipal Stormwater Maintenance Fund.**

1. If stormwater facilities are accepted by Richlandtown Borough for dedication, persons installing stormwater storage facilities shall be required to pay a specified amount to the Borough Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
  - A. If the storage facility is to be owned and maintained by Richlandtown Borough, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The Borough Engineer shall determine the estimated costs utilizing information submitted by the applicant.
  - B. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Borough Engineer shall determine the present worth equivalents, which shall be subject to the approval of the Borough Council.
2. If a storage facility is proposed that also serves as a recreation facility (e.g., ball-field, lake), Richlandtown Borough may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
3. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

(Ord. 238, 2/10/2003, Art. VII, §704)

### **§26-265. Post Construction Maintenance Inspections.**

1. Stormwater management facilities should be inspected by the land owner/developer or responsible entity (including Richlandtown Borough for dedicated facilities) on the following basis:
  - A. As outlined by the maintenance plan submitted for the facility(ies) in the stormwater management site plan.
  - B. Annually for the first five years.
  - C. Once every three years thereafter,
  - D. During or immediately after the cessation of a 100-year or greater storm event.

2. The entity conducting the inspection should be required to submit a report to Richlandtown Borough regarding the condition of the facility and recommending necessary repairs, if needed.

(Ord. 238, 2/10/2003, Art. VII, §705)

## **H. Enforcement and Penalties.**

### **§26-271. Right-of-Entry.**

Upon presentation of proper credentials, duly authorized representatives of Richlandtown Borough may enter at reasonable times upon any property within Richlandtown Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Part.

(Ord. 238, 2/10/2003, Art. VIII, §801)

### **§26-272. Notification.**

In the event that a person fails to comply with the requirements of this Part, or fails to conform to the requirements of any permit issued hereunder, Richlandtown Borough shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provision of this ordinance. All such penalties shall be deemed cumulative. In addition Richlandtown Borough may pursue any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Part.

(Ord. 238, 2/10/2003, Art. VIII, §802)

### **§26-273. Enforcement.**

The Borough Council is hereby authorized and directed to enforce all of the provisions of this Part. All inspections regarding compliance with the stormwater management site plan shall be the responsibility of the Borough Engineer or other qualified persons designated by Richlandtown Borough.

- A. A set of design plans approved by Richlandtown Borough shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by Richlandtown Borough or designee during construction.

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- B. Adherence to Approved Plan. It shall be unlawful for any person, firm or corporation to undertake any activity under §26-204 on any property except as provided for in the approved stormwater management site plan and pursuant to the requirements of this Part. It shall be unlawful to alter or remove any control structure required by the stormwater management site plan pursuant to this Part or to allow the property to remain in a condition which does not conform to the approved stormwater management site plan.
- C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representative shall:
  - (1) Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
  - (2) Provide a set of as built drawings.
- D. After receipt of the certification by Richlandtown Borough, a final inspection shall be conducted by the Borough Council or its designee to certify compliance with this Part.
- E. Prior to revocation or suspension of a permit, the Borough Council will schedule a hearing to discuss the noncompliance if there is no immediate danger to life, public health or property.
- F. Suspension and Revocation of Permits.
  - (1) Any permit issued under this Part may be suspended or revoked by the Borough Council for:
    - (a) Noncompliance with or failure to implement any provision of the permit.
    - (b) A violation of any provision of this Part or any other applicable law, ordinance, rule, or regulation relating to the project.
    - (c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
  - (2) A suspended permit shall be reinstated by the Borough Council when:
    - (a) The Borough Engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;

- (b) The Borough Council is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.
- (c) A permit revoked by the Borough Council cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

G. Occupancy Permit. An occupancy permit shall not be issued unless the certification of compliance has been secured. The occupancy permit shall be required for each lot owner and/or developer for all subdivisions and land development in Richlandtown Borough.

(Ord. 238, 2/10/2003, Art. VIII, §803)

**§26-274. Public Nuisance.**

- 1. The violation of any provision of this Part is hereby deemed a public nuisance.
- 2. Each day that a violation continues shall constitute a separate violation.

(Ord. 238, 2/10/2003, Art. VIII, §804)

**§26-275. Penalties.**

- 1. Anyone violating the provisions of this Part shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than 1,000 for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall be a separate offense. [A.O.]
- 2. In addition, Richlandtown Borough, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any 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. 238, 2/10/2003, Art. VIII, §805)

**§26-276. Appeals.**

- 1. Any person aggrieved by any action of Richlandtown Borough or its designee, relevant the provisions of this ordinance, may appeal to the Richlandtown Borough Zoning Hearing Board within 30 days of that action.

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2. Any person aggrieved by any decision of the Richlandtown Borough Zoning Hearing Board, relevant to the provisions of this ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within 30 days of the Zoning Hearing Board's decision.

(Ord. 238, 2/10/2003, Art. VIII, §806)



### PART 3

#### WATER CONSERVATION STANDARDS

##### §26-301. General Policy.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which a construction permit is required by Richlandtown Borough (or would be required but for an exemption from the permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-302 of this Part. The provision of this Part shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued but for such an exemption on or after the date this Part becomes effective.

(Ord. 223, 3/13/2000, §1; as amended by A.O.)

##### §26-302. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. **Water Closets and Associated Flushing Mechanisms.** The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
2. **Urinals and Associated Flushing Mechanisms.** Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.
3. **Showerheads.** Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressure from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.
4. **Faucets.** Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressure from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(Ord. 223, 3/13/2000, §2; as amended by A.O.)

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### **§26-303. Special Provisions.**

1. **Special Purpose Equipment.** The performance standards of §26-302 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets and blowout fixtures that, in order to perform specialized function, cannot meet the specific standards.
2. **Exemptions.** Any person(s) may apply to Richlandtown Borough for an exemption to the terms of this Part, which may be granted by the Borough Council, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(Ord. 223, 3/13/2000, §3; as amended by A.O.)

### **§26-304. Drought Emergency Conservation Restrictions: Declaration of Drought Emergency.**

1. The Board of Supervisors may, upon the recommendation of the Township Water Commission, Water Department or the Township water consultant, determine that a drought emergency exists in the Township which warrants the imposition of mandatory water use restrictions.
2. Upon a determination of a drought emergency, the Township Board of Supervisors shall, at their next publicly advertised meeting, declare the emergency by Resolution and place into effect the mandatory water use restrictions of this ordinance.
3. Some or all of the mandatory restrictions may be removed or modified by subsequent Resolution once the Board of Supervisors determines that the drought emergency has ended.

(A.O.)

### **§26-305. Water Use Mandatory Restrictions: Prohibited Nonessential Water Uses.**

Upon the declaration of a drought emergency, the following nonessential uses of water shall be banned in accordance with the following provisions:

- A Watering lawns, except:
- (1) Water may be applied to grass areas as part of a wastewater or stormwater system utilizing spray irrigation.
  - (2) Grass tennis courts and newly seeded or sodded grass areas may be watered at the minimum rate by bucket, can or hand-held hose equipped with an automatic shut-off nozzle only between the hours of 5:00 p.m. and 9:00 a.m.

and only every other day. Premises with even numbered addresses may water on even numbered dates and premises with odd numbered addresses may water on odd numbered dates (hereinafter “designated days”).

- (3) Greens and tees of golf courses may be watered, only on designated days at the minimum rate recommended by a professional landscaper between the hours of 8:00 p.m. and 8:00 a.m.
  - (4) Sod or turf farms may irrigate at the minimum rate to avoid loss of crop and in accordance with industry standard best conservation management practices
- B. Use of water to irrigate and water outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants except:
- (1) By bucket, can or hand-held hose equipped with an automatic shut-off nozzle between the hours of 5:00 p.m. and 9:00 am. and only on designated days.
  - (2) Agricultural irrigation for the production of food and fiber, the maintenance of livestock and poultry or the production of nursery stock at a minimum amount required, where non-fresh water is not available.
  - (3) For the preservation and maintenance of significant specimens in arbore-tums and public gardens of regional significance.
  - (4) At the minimum rate necessary to implement revegetation required pursuant to an approved sedimentation and erosion control plan in compliance with best conservation management practices of the Pennsylvania Department of Environmental Protection or the Bucks County Conservation District.
- C. The use of any water for washing paved surfaces except:
- (1) To prewash in preparation of asphalt street or driveway recoating or sealing.
  - (2) To maintain clay tennis courts at the minimum rate necessary.
  - (3) For the sanitary maintenance of the premises of public eating and drinking establishments.
- D. The use of any water for ornamental purposes such as fountains, artificial waterfalls and reflecting pools.
- E. The use of any water for the cleaning or washing of mobile or stationary equipment, vehicles, boats, trucks, trailers, except:

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- (1) To preserve the safe operation and functioning of public, commercial and government vehicles.
  - (2) By commercial car washes equipped with facilities that recycle water and restrict flow to three gallons per minute.
- F. The serving of water in clubs and eating and drinking establishments unless specifically requested by the customer.
- G. Exportation of fresh water from the Township in quantities in excess of 1,000 gallons per day.
- H. Filling and topping off swimming pools except:
- (1) Swimming pools equipped with filtration equipment that allows for continued use and recycling of water over the swimming season.
  - (2) Swimming pools operated by health care facilities used in connection with patient care and rehabilitation.
  - (3) Qualifying swimming pools may be filled or topped off only on designated days.
- (I) Exemption from the ban on nonessential uses may be granted as follows:
- (1) By the Pennsylvania Emergency Management Council in accordance with established procedures within the Commonwealth of Pennsylvania.

(A.O.

### **§26-306. Official Review and Modification.**

The Council may, from time to time, modify, add to or remove from the standards and restrictions stated herein.

(Ord. 223, 3/13/2000, §4; as amended by A.O.

### **§26-307. Penalties.**

It shall be a summary offense for any person to use or apply water within Richlandtown Borough contrary to or in violation of the restrictions herein, and upon conviction thereof, such persons shall be punished by being imprisoned in the county jail for not more than 30 days or pay a fine of not more than \$1,000 for each offense, or by both such fine or imprisonment.

(Ord. 223, 3/13/2000, §5; as amended by A.O.

*26 Attachment 1*

Borough of Richlandtown

**MODEL ORDINANCE APPENDIX A**

**STORMWATER MANAGEMENT DESIGN CRITERIA**

**TABLE A-1**

**DESIGN STORM RAINFALL AMOUNT (INCHES)**

**Design Storm**

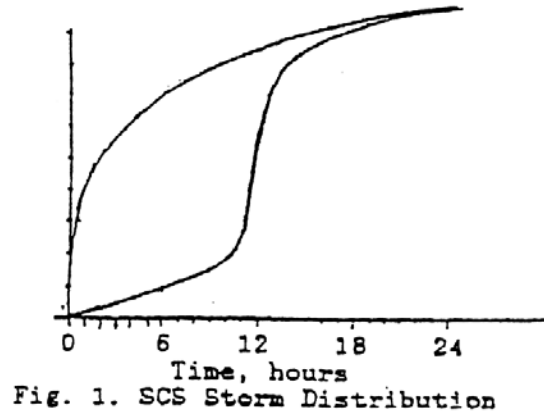
An important factor in developing consistent stormwater runoff values is the consistent use of acceptable design storm frequencies and runoff values. This ordinance incorporates the use of rainfall depths a found in the PennDOT Intensity-Duration-Frequency (IDF) Curves from their design manual. The accepted values for different storm events, and the associated rainfall (for Region4) are as follows:

<b>Rainfall Return Period Years</b>	<b>Rainfall Depth (24-Hour Period) in Inches</b>
1	2.4
2	3.1
5	3.7
10	4.5
25	5.5
50	7.0
100	7.5

**FIGURE A-1.  
NRCS (SCS) TYPE II RAINFALL DISTRIBUTION**

Scaled SCS Type II Design Storm  
by Gert Aron  
Penn State University

The SCS Type II storm distribution is widely accepted for the construction of a design storm. A problem in the practical application of the distribution, however, is the steepness of the SCS curve, shown in Figure 1, which makes it difficult to read relative rainfall amounts at short time intervals.



For the purpose of developing a systematic procedure to generate design storms of any desired time interval, equations were fitted to the SCS Type II storm distribution. A method for constructing a center peak storm is described below. To develop a useful equation, the storm distribution was rearranged to an early peaking pattern, starting with the steepest portion of the SCS curve and progressively decreasing in slope with time. The rearranged distribution is also shown in Figure 1, and can be expressed by the equations

$$P_t = 2.25 P_{24} (t/24)^{0.46} \quad \text{for } t < 1/2 \text{ hour} \quad (1)$$

$$P_t = P_{24} (t/24)^{0.25} \quad \text{for } t > 1/2 \text{ hour} \quad (2)$$

where P = total precipitation in duration t

t = storm duration in hours

**Design Storm Construction.**

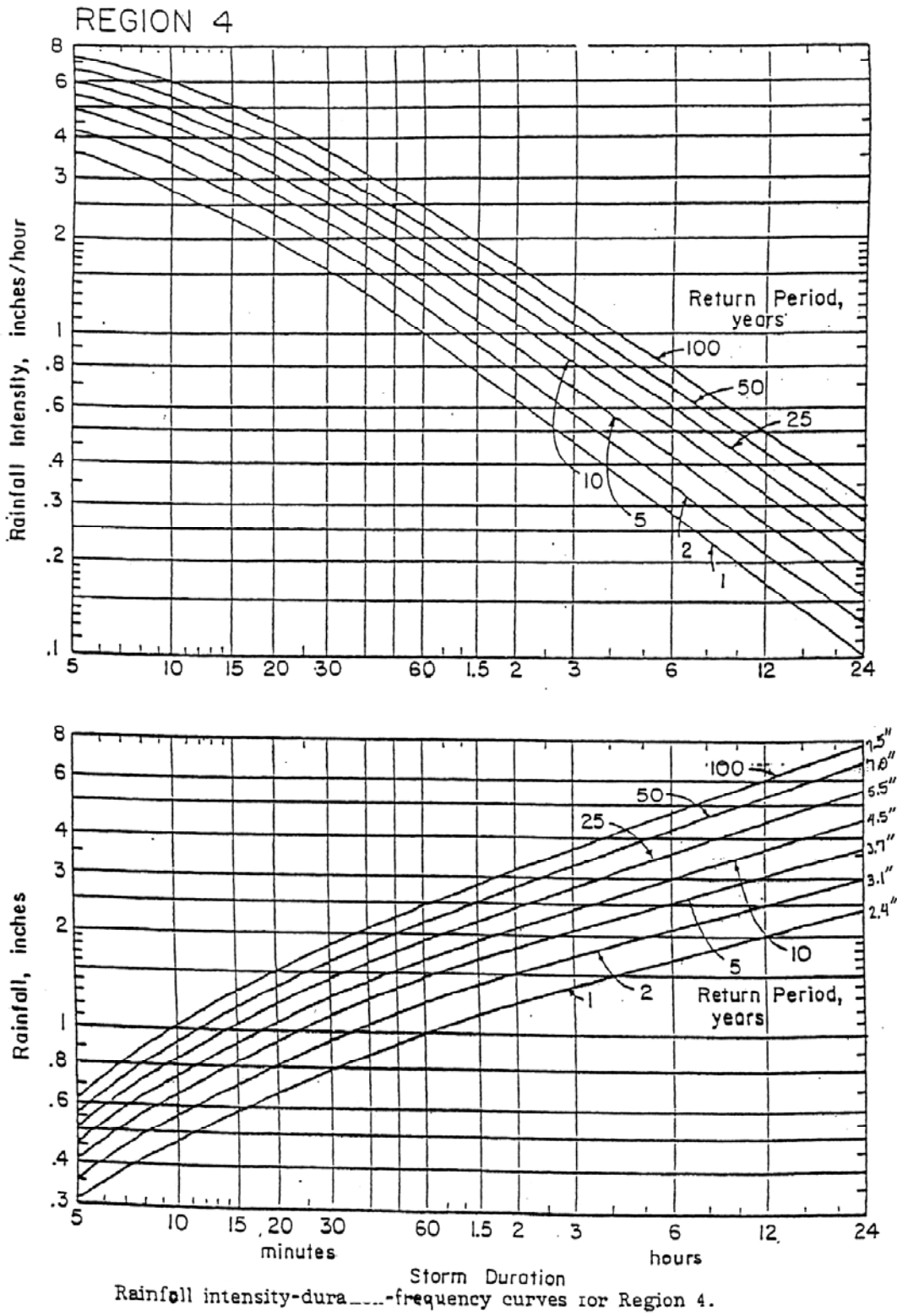
The design storm construction procedure is best described by an example, as follows:

A 25-year design storm of two hours duration, expressed in 15-minute intervals, is needed. Form an appropriate source, like TP-40 or similar maps, the corresponding 24-hour rainfall amount is 4.0 inches. A table with five columns is required.

- 1) Col. 1 is time t in minutes or hours. In column 2 the relative rainfall P/P 24 is shown as computed by eq.'s one or two for durations t.

- 2) In column 3, the relative amounts from column 2 are multiplied by 4.0, the 24-hr rainfall. These values represent the storm amounts from the steepest portions of the SCS curve, of duration  $t$ .
- 3) The rainfall increments between successive durations are computed from column 3 and listed in column 4. These values would constitute the successive rainfall increments, and thus the hyetograph for an early-peaking storm.
- 4) To generate a center-peaking, roughly symmetrical storm, the increments in column 4 are rearranged in column 5, placing the largest increment, of 1.10 inches in the 5th time interval, the second largest in the 4th time interval, the third-largest in the 6th time interval, the fourth-largest in the 3rd time interval, and so forth until a rainfall increment is assigned to each time interval.

FIGURE A-2.  
PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE, REGION 4





## 26 Attachment 2

Borough of Richlandtown

**TABLE A-2 RUNOFF CURVE NUMBERS (FROM NRCS (SCS) TR-55)****Runoff curve numbers for urban areas<sup>1</sup>**

Cover description	Average per- cent impervi- ous area <sup>2</sup>	Curve numbers for hydrologic soil group-				
		A	B	C	D	
<b>Cover type and hydrologic condition</b>						
Fully developed urban areas (vegetation estab- lished)						
Open space (lawns, parks, golf courses, cemeter- ies, etc.) <sup>3</sup> :						
Poor condition (grass cover < 50%)		68	79	86	89	
Fair condition (grass cover 50% to 75%)		49	69	79	84	
Good condition (grass cover > 75%)		39	61	74	80	
Impervious areas:						
Paved parking lots, roofs, driveways, etc. (ex- cluding right-of-way)		98	98	98	98	
Streets and roads:						
Paved: curbs and storm sewers (excluding right-of-way)		98	98	98	98	
Paved: open ditches (including right-of-way)		83	89	92	93	
Gravel (including right-of-way)		76	85	89	91	
Dirt (including right-of-way)		72	82	87	89	
Western desert urban areas:						
Natural desert landscaping (pervious areas only) <sup>4</sup>		63	77	85	88	
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96	
Urban districts:						
Commercial and business		85	89	92	94	95
Industrial		72	81	88	91	93
Residential districts by average lot size:						
1/8 acre or less (town houses)	65	77	85	90	92	

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Cover description	Average per- cent impervi- ous area <sup>2</sup>	Curve numbers for hydrologic soil group-			
		A	B	C	D
<b>Cover type and hydrologic condition</b>					
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	50	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Developing urban areas					
Newly graded areas (pervious areas only, no vege- tation) <sup>5</sup>		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in table 2-2c).					

<sup>1</sup> Average runoff condition, and  $I_n = 0.2S$ .

<sup>2</sup> The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

<sup>3</sup> CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

<sup>4</sup> Composite CN's for natural desert landscaping should be computed using figures 2-3 and 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

<sup>5</sup> Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4, based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

**Runoff curve numbers for cultivated agricultural lands<sup>1</sup>**

Cover description		Hydrologic condition <sup>3</sup>	Curve numbers for hydrologic soil group—			
			A	B	C	D
Cover type	Treatment <sup>2</sup>					
Fallow	Bare Soil	-	77	86	91	94
	Crop residue cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row crops	Straight row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured & terraced (C&T)	Poor	66	74	80	82
		Good	62	71	78	81
	C&T + CR	Poor	65	73	79	81
		Good	61	70	77	80
Small grain	SR	Poor	65	76	84	88
		Good	63	75	83	87
	SR + CR	Poor	64	75	83	86
		Good	60	72	80	84
	C	Poor	63	74	82	85
		Good	61	73	81	84
	C + CR	Poor	62	73	81	84
		Good	60	72	80	83
	C&T	Poor	61	72	79	82
		Good	59	70	78	81
	C&T + CR	Poor	60	71	78	81
		Good	58	69	77	80
Close-seeded or broadcast legumes or rotation meadow	SR	Poor	66	77	85	89

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Cover description		Curve numbers for hydrologic soil group–				
Cover type	Treatment <sup>2</sup>	Hydrologic condition <sup>3</sup>	A	B	C	D
		Good	58	72	81	85
	C	Poor	64	75	83	85
		Good	55	69	78	83
	C&T	Poor	63	73	80	83
		Good	51	67	76	80

<sup>1</sup> Average runoff condition, and  $I_n = 0.2S$ .

<sup>2</sup> Crop residue cover applies only if residue is on at least 5% of the surface throughout the year.

<sup>3</sup> Hydrologic condition is based on combination of factors that affect infiltration and runoff, including (a) density and canopy of vegetative areas, (b) amount of year-round cover, (c) amount of grass or close-seeded legumes in rotations, (d) percent of residue cover on the land surface (good > 20%), and (e) degree of surface roughness.

Poor: Factors impair infiltration and tend to increase runoff

Good: Factors encourage average and better than average infiltration and tend to decrease runoff.

**Runoff curve numbers for other agricultural lands<sup>1</sup>**

<b>Cover description</b>		<b>Curve numbers for hydrologic soil group—</b>				
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	
<b>Cover type</b>	<b>Treatment<sup>2</sup></b>	<b>Hydrologic condition<sup>3</sup></b>				
Pasture, grassland, or range—continuous forage for grazing <sup>2</sup>	Poor	68	79	86	89	
	Fair	49	69	79	84	
	Good	39	61	74	80	
Meadow—continuous grass, protected from grazing and generally mowed for hay.	—	30	58	71	78	
Brush—brush-weed-grass mixture with brush the major element. <sup>3</sup>	Poor	48	67	77	83	
	Fair	35	56	70	77	
	Good	430	48	65	73	
Woods-grass combination (orchard or tree farm). <sup>4</sup>	Poor	57	73	82	86	
	Fair	43	65	76	82	
	Good	32	58	72	79	
Woods. <sup>6</sup>	Poor	45	66	77	83	
	Fair	36	60	73	79	
	Good	430	55	70	77	
Farmsteads—building, lanes, driveways and surrounding lots.	—	59	74	82	86	

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Average runoff condition, and  $I_n = 0.2S$ .

Poor: < 50% ground cover or heavily grazed with no mulch.

Fair: 50 to 75% ground cover and not heavily grazed.

Good: >75% ground cover and lightly or occasionally grazed.

Poor: < 50% ground cover

Fair: 50 to 75% ground cover

Good: >75% ground cover

Actual curve number is less than 30; use CN = 30 for runoff computations

CN's shown were computed for areas with 50% woods and 50% grass (pasture) cover. Other combinations of conditions may be computed from the CN's for woods and pasture.

Poor: Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning.

Fair: Woods are grazed but not burned, and some forest litter covers the soil.

Good: Woods are protected from grazing, and litter and brush adequately cover the soil.

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Cover description	Hydrologic condition <sup>2</sup>	Curve numbers for hydrologic soil group–			
		A <sup>3</sup>	B	C	D
Herbaceous – mixture of grass, weeds, and low growing brush, with brush the minor element.	Poor		80	87	93
	Fair		71	81	89
	Good		62	74	85
Oak-aspen – mountain brush mixture of oak brush, aspen, mountain mahogany, bitter brush, maple, and other brush.	Poor		66	74	79
	Fair		48	57	63
	Good		30	41	48
Pinyon-juniper – pinyon, juniper, or both; grass understory.	Poor		75	85	89
	Fair		58	73	80
	Good		41	61	71
Sagebrush with grass understory.	Poor		67	80	85
	Fair		51	63	70
	Good		35	47	55
Desert shrub – major plants include saltbush, greasewood, creosotebush, blackbrush, bursage, palo verde, mesquite, and cactus.	Poor	63	77	85	88
	Fair	55	72	81	86
	Good	49	68	79	84

<sup>1</sup> Average runoff condition, and  $I_n = 0.2S$ . For range in humid regions, use table 2-2c.

<sup>2</sup> Poor: < 30% ground cover (litter, grass, and brush overstory)

Fair: 30 to 70% ground cover.

Good: > 70% ground cover.

<sup>3</sup> Curve numbers for group A have been developed only for desert shrub.

26 Attachment 3

Borough of Richlandtown

TABLE A-3.  
RATIONAL RUNOFF COEFFICIENTS

Runoff Coefficients for the Rational Formula By Hydrologic Soil Group and Overland Slope (%)

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 <sup>a</sup>	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
Pasture	0.14 <sup>b</sup>	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.20	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential	0.25	0.28	0.31	0.27	0.30	0.35	0.30	0.33	0.38	0.33	0.36	0.42
Lot Size 1/8 Acre	0.33	0.37	0.40	0.35	0.39	0.44	0.30	0.42	0.49	0.41	0.45	0.54
Lot Size 1/4 Acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
Lot Size 1/3 Acre	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39

**WATER**

<b>Land Use</b>	<b>A</b>			<b>B</b>			<b>C</b>			<b>D</b>		
	<b>0-2%</b>	<b>2-6%</b>	<b>6%+</b>	<b>0-2%</b>	<b>2-6%</b>	<b>6%+</b>	<b>0-2%</b>	<b>2-6%</b>	<b>6%+</b>	<b>0-2%</b>	<b>2-6%</b>	<b>6%+</b>
Lot Size 1/2 Acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
Lot Size 1 Acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
Industrial	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Commercial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
Streets	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Open Space	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
Parking	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.20
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

a Runoff coefficients for storm recurrence intervals less than 25 years.

b Runoff coefficients for storm recurrence intervals of 25 years or more.

Source: Rawls, W.J., S.L. Wong and R.H. McCuen, 1981, "Comparison of Urban Flood Frequency Procedures," Preliminary Draft, U.S. Department of Agriculture, Soil Conservation Service, Beltsville, MD.



## 26 Attachment 4

Borough of Richlandtown

**TABLE A-4.**  
**MANNING ROUGHNESS COEFFICIENTS**

Values of n to be Used with the Manning Equation

<b>Surface</b>	<b>Best</b>	<b>Good</b>	<b>Fair</b>	<b>Bad</b>
Uncoated cast-iron pipe	0.012	0.013	0.014	0.015
Coated cast-iron pipe	0.011	0.012*	0.013*	
Commercial wrought-iron pipe, black	0.012	0.013	0.014	0.015
Commercial wrought-iron pipe, galvanized	0.013	0.014	0.015	0.017
Smooth brass and glass pipe	0.009	0.010	0.011	0.013
Smooth lockbar and welded "OD" pipe	0.010	0.011*	0.013*	
Riveted and spiral steel pipe	0.013	0.015*	0.017*	
Vitrified sewer pipe	0.010 0.011	0.013*	0.015	0.017
Common clay drainage tile	0.011	0.012*	0.014*	0.017
Glazed brickwork	0.011	0.012	0.013*	0.015
Brick in cement mortar; brick sewers	0.012	0.013	0.015*	0.017
Neat cement surfaces	0.010	0.011	0.012	0.013
Cement mortar surfaces	0.011	0.012	0.013*	0.015
Concrete pipe	0.012	0.013	0.015*	0.016
Wood stave pipe	0.010	0.011	0.012	0.013
Plank Flumes:				
Planed	0.010	0.012*	0.013	0.014
Unplaned	0.011	0.013*	0.014	0.015
With battens	0.012	0.015*	0.016	
Concrete-lined channels	0.012	0.014*	0.016*	0.018
Cement-rubble surface	0.017	0.020	0.025	0.030
Dry rubble surface	0.025	0.030	0.033	0.035
Dressed-ashlar surface	0.013	0.014	0.015	0.017
Semicircular metal flumes, smooth.	0.011	0.012	0.013	0.015
Semicircular metal flumes, corrugated	0.0225	0.025	0.0275	0.030
Canals and Ditches:				
Earth, straight and uniform	0.017	0.020	0.0225*	0.025

## WATER

<b>Surface</b>	<b>Best</b>	<b>Good</b>	<b>Fair</b>	<b>Bad</b>
Rock cuts, smooth and uniform	0.025	0.030	0.033*	0.035
Rock cuts, jagged and irregular	0.035	0.040	0.045	
Winding sluggish canals	0.0225	0.025*	0.0275	0.030
Dredged earth channels	0.025	0.0275*	0.030	0.033
Canals with rough stony beds, weeds on earth banks	0.025	0.030	0.035*	0.040
Earth bottom, rubble sides	0.028	0.030*	0.033*	0.035
Natural Stream Channels:				
(1) Clean, straight bank, full stage, no rifts or deep pools	0.025	0.0275	0.030	0.033
(2) Same as (1), but some weeds and stones	0.030	0.033	0.035	0.040
(3) Winding, some pools and shoals, clean	0.033	0.035	0.040	0.045
(4) Same as (3), lower stages, more ineffective slope and sections	0.040	0.045	0.050	0.055
(5) Same as (3), some weeds and stones	0.035	0.040	0.045	0.050
(6) Same as (4), stony sections...	0.045	0.050	0.055	0.060
(7) Sluggish river reaches, rather weedy or with very deep pools	0.050	0.060	0.070	0.080
(8) Very weedy reaches	0.075	0.100	0.125	0.150

\* Values commonly used in designing.

26 Attachment 5

Borough of Richlandtown

**MODEL ORDINANCE APPENDIX B**

**SAMPLE STORMWATER MANAGEMENT SITE PLAN APPLICATION AND  
FEE SCHEDULE**

**I. STORMWATER MANAGEMENT SITE PLAN APPLICATION**

(To be attached to the “land subdivision plan or development plan review application Or  
“minor land subdivision plan review application”)

Application is hereby made for review of the stormwater management and erosion and  
sedimentation control plan and related data as submitted herewith in accordance with  
the \_\_\_\_\_ township stormwater management and earth disturbance ordinance.

\_\_\_\_\_ Final plan \_\_\_\_\_ Preliminary plan

\_\_\_\_\_ Sketch plan

Date of submission \_\_\_\_\_ Submission No: \_\_\_\_\_

1. Name of subdivision or development

\_\_\_\_\_

2. Name of applicant \_\_\_\_\_ Telephone No. \_\_\_\_\_

(if corporation, list the corporation’s name and the names of two officers of the corpora-  
tion)

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Applicants interest in subdivisions or development \_\_\_\_\_ (if other than property  
owner give owners name and address)

3. Name of property owner \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Name of engineer or surveyor \_\_\_\_\_

WATER

Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

4. Type of subdivision or development proposed:

\_\_\_\_\_ Single Family lots      \_\_\_\_\_ Townhouses      \_\_\_\_\_ Commercial (multi lot)

\_\_\_\_\_ Two Family lots      \_\_\_\_\_ Garden Apartments      \_\_\_\_\_ Commercial (one lot)

\_\_\_\_\_ Cluster lots \_\_\_\_\_ Campground      \_\_\_\_\_ Industrial (one lot)

\_\_\_\_\_ Planned Residential      \_\_\_\_\_ Other

5. If other, describe type of development \_\_\_\_\_

6. Lineal feet of new road proposed? \_\_\_\_\_ l.f.

7. Area of proposed and existing impervious area on entire tract.

a. Existing (to remain) \_\_\_\_\_ s.f. \_\_\_\_\_ % of property

b. Proposed \_\_\_\_\_ s.f. \_\_\_\_\_ % of property

8. Stormwater

a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for predevelopment conditions for the designated design storm?

\_\_\_\_\_

b. Design storm utilized (on-site conveyance systems) (24 hr.) (check one)

- No. of Subarea \_\_\_\_\_

- Watershed name \_\_\_\_\_

If other, explain:

\_\_\_\_\_

\_\_\_\_\_

- c. Does the submission meet the release rate and/or district criteria for the applicable subarea?  
\_\_\_\_\_
  - d. Number of subareas from plate 1, volume 1 technical manual of the To-hickon Creek Watershed Stormwater Management Plan.
  - e. Type of proposed runoff control \_\_\_\_\_
  - f. Does the proposed stormwater control criteria meet the require-ment/guidelines of the stormwater ordinance? \_\_\_\_\_
  - g. Does the plan meet the requirements of Article III of the Stormwater ordi-nance? \_\_\_\_\_
  - h. Was TR-55, June 1986 utilized in determining the time of concentration?  
\_\_\_\_\_
  - i. What hydrologic method was used in the stormwater computations?  
\_\_\_\_\_
  - j. Is a hydraulic routing through the stormwater control structure submitted?  
\_\_\_\_\_
  - k. Is a construction schedule or staging attached? \_\_\_\_\_
  - l. Is a recommended maintenance program attached? \_\_\_\_\_
9. Has an Erosion and sediment pollution control (E&S) been submitted to the County Conservation District?
- a. Total area of earth disturbance s.f.
10. Wetlands
- a. Have the wetlands been delineated by someone trained in wetland delinea-tion? \_\_\_\_\_
  - b. Have the wetland lines been verified by a state or federal permitting author-ity? \_\_\_\_\_
  - c. Have the wetland lines been surveyed? \_\_\_\_\_
  - d. Total acreage of wetland within the property \_\_\_\_\_
  - e. Total acreage of wetland disturbed \_\_\_\_\_

WATER

f. Supporting documentation \_\_\_\_\_

11. Filing

a. Has the required fee been submitted? \_\_\_\_\_ amount \$ \_\_\_\_\_

b. Has the proposed schedule of construction inspection to be performed by the applicant's engineer been submitted? \_\_\_\_\_

c. Name of individual who will be making inspections \_\_\_\_\_

d. General comments about stormwater management at development site  
\_\_\_\_\_

CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:  
COMMONWEALTH OF PENNSYLVANIA COUNTY OF BUCKS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2003, before me, the undersigned officer, personally appeared \_\_\_\_\_ who being duly sworn, according to law, disposes and says that \_\_\_\_\_ owners of the property described in this application and that the application was made with \_\_\_\_\_ knowledge and/or direction and does hereby agree with the said application and to the submission to the same. \_\_\_\_\_

Property Owner(s)

My Commission Expires \_\_\_\_\_, 2004

\_\_\_\_\_ Notary Public

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT. SIGNATURE OF APPLICANT \_\_\_\_\_

**This Information To Be Completed By Richlandtown Borough**

\_\_\_\_\_ Township official submission receipt

Date complete application received \_\_\_\_\_ plan number \_\_\_\_\_

Fees \_\_\_\_\_ date fees paid \_\_\_\_\_ received by \_\_\_\_\_

Official submission receipt date \_\_\_\_\_

Received by \_\_\_\_\_

**II. FEE SCHEDULE**

**RICHLANDTOWN BOROUGH  
Stormwater Management Site Plan**

**SCHEDULE OF FEES**

1. Residential subdivision/land development of four or fewer lots or dwelling units:
  - a. Filing Fee (non-refundable) \$400
  - b. Escrow Account (for payment of costs and charges for professional or other outside consulting/informational services) \$1,400
2. Residential subdivision/land development of five or more lots or dwelling units, and all commercial (non-residential) uses:
  - a. Filing Fee (non-refundable) \$1,000
  - b. Escrow Account (for payment of costs and charges for professional or other outside consulting/information services) \$3,000

The escrow account shall be held in a separate bank account by Richlandtown Borough. These funds shall be used to pay outside expenses incurred by the Borough in considering and reviewing this proposed subdivision/development. At such time as the amount in the escrow account drops to less than 1/2 the initial amount, the Applicant shall provide a check to the Borough Secretary to replenish the account to the full amount.





*26 Attachment 6*

Borough of Richlandtown

**MODEL ORDINANCE APPENDIX C**

**STANDARD STORMWATER FACILITIES MAINTENANCE AND MONITORING AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2003 by and between \_\_\_\_\_, (hereinafter the "Landowner"), and Richlandtown Borough, Bucks County; Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Bucks County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Subdivision/Land Management Plan (hereinafter "Plan") for the \_\_\_\_\_ Subdivision which is expressly made a part hereof, as approved or to be approved by Richlandtown Borough, provides for detention or retention of stormwater within the confines of the Property; and

WHEREAS, Richlandtown Borough and the Landowner, his successors and assigns agree that the health, safety, and welfare of the residents of Richlandtown Borough require that on-site stormwater management facilities be constructed and maintained on the property; and

WHEREAS, Richlandtown Borough requires, through the implementation of the To-hickon Creek Watershed Stormwater Management Plan, that stormwater management facilities as shown on the Plan be constructed adequately maintained by the Landowner, his successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, his successors and assigns, in accordance with the terms, conditions and specifications identified in the Plan.
2. The Landowner, his successors and assigns, shall maintain the stormwater management facilities in good working condition, acceptable to Richlandtown Borough so that they are performing their design functions.

## WATER

3. The Landowner, his successors and assigns, hereby grants permission to Richlandtown Borough, its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, and to inspect the stormwater management facilities whenever Richlandtown Borough deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, Richlandtown Borough shall give the Landowner, his successor and assigns, copies of the inspection report with findings and evaluations. At a minimum, maintenance inspections shall be performed in accordance with the following schedule: – Annually for the first five years after the construction of the stormwater facilities; – Once every two years thereafter; or – During or immediately upon the cessation of a 100-year or greater precipitation event.
4. All reasonable costs for said inspections shall be born by the Landowner and payable to Richlandtown Borough.
5. The owner shall convey to Richlandtown Borough easement and/or rights-of-way to ensure access for periodic inspections by Richlandtown Borough and maintenance, if required.
6. In the event the Landowner, his successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to Richlandtown Borough, Richlandtown Borough may enter upon the Property and take such necessary and prudent action to maintain said stormwater management facilities and to charge the costs of the maintenance and/or repairs to the Landowner, his successors and assigns. This provision shall not be construed as to allow Richlandtown Borough to erect any structure of a permanent nature on the land of the Landowner, outside of any easement belonging to Richlandtown Borough. It is expressly understood and agreed that Richlandtown Borough is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on Richlandtown Borough.
7. The Landowner, his successors and assigns, will perform maintenance in accordance with the maintenance schedule for the stormwater management facilities including sediment removal as outlined on the approved schedule and/or Subdivision/Land Management Plan.
8. In the event Richlandtown Borough, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Landowner's or his successors' and assigns' failure to perform such work, the Landowner, his successors and assigns, shall reimburse Richlandtown Borough upon demand, within 30 days of receipt of invoice thereof, for all costs incurred by Richlandtown Borough hereunder. If not paid within said 30-day period, Richlandtown Borough may enter a lien against the property in the amount of such costs, or may proceed to recover his costs through proceedings in equity or at law as authorized under the provisions of the (Second Class Township)(Borough) Code.

- 9. The Landowner, his successors and assigns, shall indemnify Richlandtown Borough and its agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against Richlandtown Borough for the construction, presence, existence or maintenance of the stormwater management facilities by the Landowner, his successors and assigns.
- 10. In the event a claim is asserted against Richlandtown Borough, its agents or employees, Richlandtown Borough shall promptly notify the Landowner, his successors and assigns, and they shall defend, at their own expense, any suit based on such claim. If any judgment or claims against Richlandtown Borough, its agents or employees shall be allowed, the Landowner, his successors and assigns shall pay all costs and expenses in connection therewith.
- 11. In the advent of an emergency or the occurrence of special or unusual circumstances or situations, Richlandtown Borough may enter the Property, if the Landowner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at jeopardy. However, Richlandtown Borough shall notify the landowner of any inspection, maintenance, or repair undertaken within five days of the activity. The Landowner shall reimburse Richlandtown Borough for its costs.

This Agreement shall be recorded among the land records of Bucks County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

WITNESS the following signatures and seals:

ATTEST: For Richlandtown Borough:

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

For the Landowner:

\_\_\_\_\_

\_\_\_\_\_

RICHLANDTOWN BOROUGH COUNTY OF BUCKS, PENNSYLVANIA:

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_ day of \_\_\_\_, 2003, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_ day of \_\_\_\_\_, 2003, has acknowledged the same before me in my said County and State.

WATER

GIVEN UNDER MY HAND THIS \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

## **CHAPTER 27**

### **ZONING**

#### **PART 1**

##### **OBJECTIVES, PURPOSES, INTERPRETATION, AND SHORT TITLE**

- §27-100. Title**
- §27-101. Short Title**
- §27-102. Purposes**
- §27-103. Statement of Community Development Objectives**
- §27-104. Interpretation**
- §27-105. Separability**
- §27-106. Application to Public Utility Corporations**

#### **PART 2**

##### **DEFINITIONS OF TERMS**

- §27-200. General**

#### **PART 3**

##### **CLASSIFICATION OF DISTRICTS**

- §27-300. Classes of Districts**
- §27-301. Zoning Map**
- §27-302. District Boundaries**
- §27-303. Statements of Purposes and Intent for the Districts**

#### **PART 4**

##### **USE REGULATIONS**

- §27-400. Applicability of Regulations**
- §27-401. Uses by Right, Conditional Uses and Uses Not Permitted**
- §27-402. Uses Are Subject to Other Regulations**
- §27-403. Temporary Accessory Uses**
- §27-404. Residential Uses**

## ZONING

### PART 5

#### DIMENSIONAL REQUIREMENTS

- §27-500. District Regulations
- §27-501. Lot Area or Yard Required
- §27-502. Minimum Lot Size
- §27-503. Exceptions to Minimum Lot Sizes
- §27-504. Minimum Lot Width
- §27-505. Maximum Building Coverage
- §27-506. Maximum Height of Buildings
- §27-507. Height Exceptions
- §27-508. Traffic Visibility Across Corners
- §27-509. Spacing of Nonresidential Buildings on Same Lot
- §27-510. Front Yard Requirements
- §27-511. Requirements for Front Yards Along Thoroughfares
- §27-512. Corner Lots
- §27-513. Through Lots
- §27-514. Exceptions for Existing Alignment
- §27-515. Projections Into Front Yards
- §27-516. Fences and Terraces in Front Yards
- §27-517. Accessory Buildings in Front Yards
- §27-518. Side Yard Requirements
- §27-519. Projections Into Side Yards
- §27-520. Fences and Terraces in Side Yards
- §27-521. Accessory Buildings in Side Yards
- §27-522. Rear Yard Requirements
- §27-523. Projections Into Rear Yards
- §27-524. Accessory Buildings in Rear Yards

### PART 6

#### GENERAL PERFORMANCE STANDARDS

- §27-600. Compliance
- §27-601. Noise
- §27-602. Smoke
- §27-603. Dust, Fumes, Vapors and Gases
- §27-604. Heat
- §27-605. Odor
- §27-606. Glare
- §27-607. Vibrations
- §27-608. Buffer Yards
- §27-609. Storage and Waste Disposal
- §27-610. Wetlands

## **PART 7**

### **SIGNS**

- §27-700. Definition of Sign**
- §27-701. Definition of On-Premises and Off-Premises Signs**
- §27-702. Area of Sign**
- §27-703. Exemptions from Permits**
- §27-704. On-Premises Signs Permitted in an RS District**
- §27-705. On-Premises Signs Permitted in HC and VC Districts**
- §27-706. Directional Signs Permitted in All Districts**
- §27-707. Signs in All Districts**
- §27-708. Maintenance of Signs**
- §27-709. Nonconforming Signs**
- §27-710. Zoning Permits; Nonconforming Signs**

## **PART 8**

### **OFF-STREET PARKING AND LOADING**

- §27-800. Required Off-Street Parking Space**
- §27-801. General Regulations Applying to Required Off-Street Parking Facilities**
- §27-802. Design Standards**
- §27-803. Off-Street Loading**
- §27-804. Design and Layout of Off-Street Loading Facilities**

## **PART 9**

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- §27-900. Definitions**
- §27-901. Continuation**
- §27-902. Extension or Alteration**
- §27-903. Restoration**
- §27-904. Abandonment**
- §27-905. Changes**
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## **PART 10**

### **ADMINISTRATION**

- §27-1000. Zoning Officer; Duties and Power**
- §27-1001. Zoning Officer; Limits of Authority**

## ZONING

- §27-1002. Zoning Permits
- §27-1003. Application Requirements for Zoning Permits
- §27-1004. Fees
- §27-1005. Life of a Permit
- §27-1006. Certificate of Occupancy
- §27-1007. Conditional Uses
- §27-1008. Actions of the Board in Exercising Powers
- §27-1009. Conditional Use Application

### PART 11

#### ZONING HEARING BOARD

- §27-1100. Establishment of Board
- §27-1101. Membership, Terms of Office
- §27-1102. Procedures
- §27-1103. Planning Commission Review
- §27-1104. Interpretation
- §27-1105. Variances
- §27-1106. General Rules and Procedures for Appeals and Applications
- §27-1107. Interpretation Appeals
- §27-1108. Variance Appeals
- §27-1109. Who May Appeal
- §27-1110. Notice of Hearings
- §27-1111. Decisions of the Board
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**§27-1303. Jurisdiction**

**PART 14**

**ZONING MAP AMENDMENTS**

**§27-1400. Amendments**

**Table Of Dimensional Requirements**



**PART 1**

**OBJECTIVES, PURPOSES, INTERPRETATION, AND SHORT TITLE**

**§27-100. Title.**

An Ordinance regulating the location, height, bulk, erection, construction, alteration and razing size of structures; the percentage of lot which may be occupied, the size of yards, courts, and other open spaces; the density and distribution of population, the intensity of use of land for trade, residence, recreation, public activities or other purposes.

(Ord. 128, 5/10/1972, Art. I, §100)

**§27-101. Short Title.**

This Chapter shall be known and may be cited as Ordinance 128 “The Richlandtown Borough Zoning Ordinance of 1972.”

(Ord. 128, 4/10/1972, Art. I, §101)

**§27-102. Purposes.**

This Chapter is enacted in accordance with the Pennsylvania Municipalities Planning Code, for the following purposes 1) to promote, protect and facilitate the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as two to prevent the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other damages.

(Ord. 128, 4/10/1972, Art. I, §102)

**§27-103. Statement of Community Development Objectives.**

It shall be, and is hereby declared to be, the objective of Richlandtown Borough to provide for the orderly development of the community; stabilize the population size and composition allowing for controlled increase; reinforce the tax by creating favorable conditions to bring more land into development; accommodate the changes taking place in the surrounding region with the least disruption to, and greatest advantage to the Borough and its residents; through its Zoning Ordinance as now in effect or hereafter amended in order to carry into effect the purposes, plans and guidelines as set forth in the Richlandtown Borough Development Plan.

## ZONING

(Ord. 128, 4/10/1972, Art. I, §103)

### **§27-104. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

(Ord. 128, 4/10/1972, Art. I, §104)

### **§27-105. Separability.**

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provisions to other persons, property, or situations shall not be affected.

(Ord. 128, 4/10/1972, Art. I, §105)

### **§27-106. Application to Public Utility Corporations.**

1. This Chapter shall not apply to any existing or proposed building, structure or extension thereof, used or to be used by public utility corporations, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the convenience or welfare of the public.
2. Additionally, such public utility corporation, after any required public hearing, but in any case at least 60 days prior to entering into negotiations with any land

owner for purchase, lease or easement shall so notify the Borough Council of such intended action.

(Ord. 128, 4/10/1972, Art. I, §106)



## PART 2

### DEFINITIONS OF TERMS

#### §27-200. General.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word “used or occupied” shall include the words “arranged,” “designed,” or “intended to be used or occupied.” The word “building” shall include the word “structure.” The present tense shall include the future tense. The word “shall” is always mandatory. The word “person” shall include a corporation, partnership and association as well as the individual. The word “lot” includes the word “plot” or “parcel.”

**ACCESSORY USE** — a use subordinate to the main use of land or of a building on the same lot and customarily and clearly incidental thereto.

**ALTERATION** — an alteration, as applied to a building, is any change, rearrangement in the structural parts or any enlargement, whether by extending on any side by increasing in height, or moving from one location or position to another.

**AREA** –

- A. **Lot Area.** The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within an existing or proposed street right-of-way and including the area of any easement.
- B. **Building Area.** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.
- C. **Floor Area.** The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, or any such floor space intended and designed for accessory heating and ventilating equipment.

**AUTOMATIC TELEPHONE EXCHANGE OFFICE** — a building or part of a building used for the transmission and exchange of telephone or radio-telephone messages provided that, in Residential Districts, such use shall not include the

## ZONING

transaction of business with the public, storage of materials, trucks or repair facilities, or housing or repair crews.

**BUILDING** — a structure having a roof which is used for the shelter or enclosure of persons, animals or property. The word “building” shall include any part thereof.

- A. **Building, Accessory.** A building subordinate to the main building on a lot and used for purposes customarily and clearly incidental to those of the main building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- B. **Building, Detached.** A building which has no party wall.
- C. **Building, Principal.** A building in which is conducted, or intended to be conducted, the principal use of the lot on which it is located.
- D. **Building, Semi-detached.** A building which has only one party wall in common with an adjacent building.
- E. **Building, Attached.** A building which has two party walls in common with adjacent buildings.

**BUILDING HEIGHT** — a vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING COVERAGE** — that percentage of the plot or lot area covered by the building area.

**BUILDING LINE** — the line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

**DWELLING** –

- A. **Dwelling.** A building containing one or more dwelling units.
- B. **One-Family Detached Dwelling.** A dwelling having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.
- C. **One-Family Attached Dwelling (Townhouse).** A dwelling having only the one dwelling unit from ground to roof, independent outside access, and a portion not more than two walls in common with adjoining dwellings.



- D. Multi-Family Dwelling. A dwelling having two or more dwelling units, not having party walls, forming a complete separation between individual dwelling units.
- E. Dwelling Unit. Any room or group of rooms located within a residential building and forming a single, habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, by one family.
- F. Single-Family Semi-Detached Dwelling (Twin Dwelling). A dwelling having only one dwelling unit from ground to roof, independent outside access and any portion of only one wall in common with an adjoining dwelling unit.
- G. Multifamily Detached Dwelling (Duplex Dwelling). A dwelling having no more than two dwelling units from ground to roof, independent outside access, and open space on all sides.

**ELECTRIC SUBSTATION** — an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in Residential Districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, or housing of repair crews.

**FAMILY** — one or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than five persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single, non-profit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

**FLOOR AREA OR GROSS FLOOR AREA** — the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the centerline of walls separating two buildings. The term shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of six feet, six inches or more), penthouses, attic space (whether or not a floor has actually been laid providing structural headroom of six feet, six inches or more), interior balconies and mezzanines. It shall not include stair and elevator penthouses or cellars unless said cellars are utilized for anything other than storage rooms, utility rooms, mechanical equipment rooms, etc.

**FORESTRY** — the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. [A.O.]

**LOT** –

## ZONING

- A. Lot. A parcel of land used or set aside and available for use at the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such way is in the owner of the lot. A lot for the purpose of this Chapter may or may not coincide with a lot of record.
- B. Corner Lot. A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.
- C. Through Lot. An interior lot having frontage on two parallel or approximately parallel streets.
- D. Depth of Lot. The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.
- E. Lot Width. The distance measured between the side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

### LOT LINE –

- A. Lot Line. Any boundary line of a lot.
- B. Lot Line, Rear. Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
- C. Lot Line, Side. Any lot line which is not a street line or a rear lot line.

MOBILE HOME — a dwelling unit manufactured in one or more sections, designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this Chapter, travel trailers are not considered as mobile homes.

**MOBILEHOME LOT** — a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. [A.O.]

**MOBILEHOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [A.O.]

**NO-IMPACT HOME-BASED BUSINESS** — a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity. [A.O.]

**OFF-STREET LOADING SPACE (DELIVERY VEHICLES)** — an on-the-property space for the standing, loading and unloading of vehicles to avoid undue interference with the public use of streets and alleys.

**OFF-STREET PARKING SPACE** — a space for the parking of an automobile on private property out of any public right-of-way.

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OPEN SPACE — the total horizontal area of all uncovered open space and 1/2 of all covered open space. Covered open space is exterior space that is open above to the sky and weather it includes roofed porches, roofed carports and covered balconies. Open space does not include car traffic and maneuvering areas and areas used for car parking, including paved traffic ways and uncovered parking area.

PUBLIC GROUNDS — includes

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

[A.O.]

PUBLIC HEARING — a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking in accordance with this act. [A.O.]

PUBLIC NOTICE — notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RIGHT-OF-WAY –

- A. Right-of-Way. Land set aside for use such as a street, alley or other means of travel.
- B. Existing Right-of-Way. The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.
- C. Future Right-of-Way. The right-of-way deemed necessary by the Richlandtown Borough Development Plan, as appropriate to provide adequate width for future street improvements. Future right-of-way widths are designated in §27-510.

ROOMER, BOARDER OR LODGER — a person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such

compensation without prearrangement or for less than a week at a time shall be classified for purposes of this Chapter not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

SEWER –

- A. Public Sewer — A “public sewer” is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as “off-lot” or “off-site” sewer. This shall include capped sewers when installed to Borough Specifications.
- B. Private Sewer. An “on-lot” septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot.

STORY — that part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of its wall area above grade level.

STREET — a public or private way used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to abutting lots, or to more than two dwelling units on a lot for which a private way is exclusively used. Streets are further classified in §27-510.

STREET LINE — the dividing line between a lot and a street. The street line shall be the same as the legal right-of-way, provided that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line, provided that no street line shall be considered to be less than 25 feet from the centerline of said street.

STRUCTURE — a combination of materials assembled, constructed or erected at a fixed location including a building, the use of which requires location on the ground or attachment to something having location on the ground.

TRAVEL TRAILER — a vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term uses, having a body width not exceeding eight feet and a body length not exceeding 32 feet.

WETLANDS — wetlands are areas of undrained, saturated soils supporting wetland vegetation, where the water table is at or near the surface or where shallow water covers the area due to permanent or seasonal inundation of surface or ground water. (See §27-610) [Ord. 203]

YARDS –

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- A. Front. The required open space, the full width of the lot, extending from the street line to the nearest principle building on the lot, exclusive of overhanging eaves, gutters or cornices.
- B. Side. The required open space, the full depth of the lot, extending from the side lot line to the nearest principle building on the lot, exclusive of steps, overhanging eaves, gutters and cornices.
- C. Rear. The required open space, the full width of the lot, extending from the rear lot line to the nearest principle building on the lot, exclusive of steps, overhanging eaves, gutters and cornices.

(Ord. 128, 4/10/1972, Art. II, as amended by Ord. 203, 3/9/1992, §1; by Ord. 232, 6/11/2001, §I; and by A.O.

**PART 3**

**CLASSIFICATION OF DISTRICTS**

**§27-300. Classes of Districts.**

For the purpose of carrying out the objectives of this Chapter, Richlandtown Borough is hereby divided into three districts:

- A. RS District Residential Subdivision
- B. HC District Highway Commercial
- C. VC District Village Center

(Ord. 128, 4/10/1972, Art. III, §300)

**§27-301. Zoning Map.**

The boundaries of these districts shall be as shown on the map attached to and made a part of this Chapter, which map shall be known as the “Zoning Map of Richlandtown Borough 1971.” This map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.

(Ord. 128, 4/10/1972, Art. III, §301)

**§27-302. District Boundaries.**

Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow the center line of streets, streams and railroads and lot or property lines as they exist on plans of record at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than 10 feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

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- D. In case any further uncertainty exists, the Zoning Hearing Board shall interpret the intent of the map as to location of district boundaries.

(Ord. 128, 4/10/1972, Art. III, §302)

### **§27-303. Statements of Purposes and Intent for the Districts.**

1. RS Residential Subdivision District. It is the purpose of this District to establish areas composed of residential properties of a suburban character on lands in the Borough most logically suited for this type of development, both physically and locationally. Requirements for this District are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. The requirements are designed to encourage the installation of public sewer facilities by permitting a higher density of development if public facilities are provided. More spacious lots are required if public facilities are not immediately available.
2. VC Village Center District. This District is established and specifically structured to accommodate higher density residential uses and those retail sales and services that are considered to be essential to the functions of residential neighborhoods. Commercial facilities permitted in this District are generally required by a family at intervals of a week or less.
3. HC Highway Commercial District. This District is established to accommodate those retail and business activities that serve a regional market and are not normally part of a shopping center development and those activities that require merchandising oriented to the highway user.

(Ord. 128, 4/10/1972, Art. III, §310)



**PART 4**

**USE REGULATIONS**

**§27-400. Applicability of Regulations.**

Except as provided by law or in this Chapter, in each district no building, structure or land shall be used or occupied except for the purposes permitted in §27-405 and for the zoning districts so indicated.

**§27-401. Uses by Right, Conditional Uses, and Uses Not Permitted.**

1. Uses by Right. A use listed in §27-404 is permitted by right in any district denoted by the letter "P," subject to such requirements as may be specified in §27-404, and after a zoning permit has been issued in accordance with Part 10.
2. Conditional Uses. A use listed in §27-404 may be permitted as a Conditional Use in any district denoted by the letter "C." Conditional uses may be allowed or denied by the Borough Council after receiving recommendations from the planning commission, pursuant to express standards and criteria set forth in this Chapter.
3. Uses Not Permitted. A use listed in §27-404 is not permitted in any district denoted by the letter "N."

(Ord. 128, 4/10/1972, Art. IV, §410)

**§27-402. Uses are Subject to Other Regulations.**

1. Uses permitted by right or conditional uses shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Parts hereof.
2. In particular, the laws of the Commonwealth and the regulations of the Bucks County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no zoning permit shall be issued until approval is obtained from the Bucks County Department of Health for water supply and sewage disposal.

(Ord. 128, 4/10/1972, Art. IV, §420)

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**§27-403. Temporary Accessory Uses.**

1. No garage or other accessory building, partial structure or other temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary zoning permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon the expiration of a specific time limit not to exceed two years. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violation.
2. Nonconforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary zoning permits according to the above procedure and regulations.

(Ord. 128, 4/10/1972, Art. IV, §430)

**§27-404. Residential Uses.**

	<b>RS</b>	<b>VC</b>	<b>HC</b>
1. One-family detached dwelling.	P	P	N
2. One-family attached dwelling (townhouse), provided:	P	P	N
A. Public sewage disposal is used;			
B. No more than four dwelling units are attached to a single building;			
C. The building density shall not exceed five dwelling units per acre;			
2.1. Semi-detached and detached dwellings:			
A. Two single-family semi-detached dwellings attached to each other; twin dwellings.	P	P	N
B. Multifamily detached dwelling (duplex dwelling).	P	N	N
3. Conversions. One-family dwellings converted for occupancy by not more than two families, subject to the following conditions:			
A. The lot area per family should not be reduced thereby to less than that required for the district in which such lot is situated.			
B. The yard, building area, and other applicable requirements for the district shall not be reduced thereby.			

	RS	VC	HC
C.			
No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.			
D.			
Such conversions shall be authorized only for large buildings that have little economic usefulness as single-family dwellings or for other conforming uses (e.g., barns) that were erected prior to the adoption of the Richlandtown Borough Zoning Ordinance.			
4.	N	P	N
Multi-Family Dwelling. Multiple-family dwelling, providing the following requirements are met:			
A.			
Density. The overall density of occupancy shall not exceed 10 dwelling units per acre of lot area.			
B.			
Floor Area. A maximum of 0.290 square feet of floor area shall be permitted for each square foot of lot area.			
C.			
Open Space. At least two square feet of lot area per one square foot of floor area shall be open space.			
D.			
Lot Area and Width. Any land development under the terms of this Part shall contain a minimum lot area of five acres with a width of not less than 300 feet at the building line.			
E.			
Yards.			
(1)			
Front Yards. Not less than 60 feet along each major traffic street (arterial highway, expressway, or collector road) or not less than 40 feet from the street line along other streets.			
(2)			
Side and Rear Yards. Not less than 40 feet.			
F.			
Building Orientation. Facing walls are walls opposite to and parallel with one another, or wall lines extended to opposite walls intersecting at angles of less than 65°. The minimum horizontal distance (between facing walls of any two buildings on one lot or any one building with facing walls):			
(1)			
Where two facing walls both contain a window or windows in no case shall there be a separation between facing walls with a ratio of less than 1:2.0 (building height to building separation).			

ZONING

		RS	VC	HC
	(2) Between two facing walls only one of which contains a window or windows, in no case shall there be a separation between facing walls with a ratio of less than 1:1.5 (building height to building separation).			
	(3) Between two facing walls neither of which contain a window or windows, in no case shall there be a separation between facing walls with a ratio of less than 1:1 (building height to building separation).			
	(4) Between corners of two buildings where no exterior wall of one building lies in such a way that it can be intersected by a line drawn perpendicular to any exterior wall of another building (other than a line that results from colinear walls), in no case shall there be a separation between corners with a ratio of less than 1:.75 (building height to building separation).			
	G. Building Height. The maximum building height shall be 30 feet with occupancy for residential purposes limited to two stories or less.			
	H. Parking. Parking in accordance with the applicable Sections of Part 6.			
	I. Public sewage disposal is used.			
5.	Rooming House. A dwelling used for the housing of roomers, boarders or lodgers with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational or philanthropic institutions, subject to the following provisions:	P	P	N
	A. The minimum lot areas per sleeping room shall be 2,000 square feet in addition to any other lot area requirements.			
	B. Conversion of an existing building for rooming house or dormitory purposes shall meet the applicable provisions of Use 3.			
6.	Mobilehome, providing:	P	P	N
	A. The provisions of all effective County ordinances regulating mobile homes and regulations of the Bucks County Health Department regarding water supply and waste disposal shall be adhered to.			

	RS	VC	HC
B. The lot area, dimensional and other applicable requirements of this Chapter for single-family homes in the district in which the mobile home is to be located shall be met.			
C. No more than one mobilehome shall be located on a single parcel and such mobile home shall be occupied by not more than a single family.			
<b>Institutional, Recreational and Educational.</b>			
7. Cemeteries.	P	P	P
8. Churches, including convents, parish houses and other housing for religious personnel, subject to the following provisions:	P	P	N
A. Minimum lot size shall not be less than one acre.			
B. All buildings shall be not less than 50 feet from any lot line.			
C. Completely detached buildings on the same lot shall be not less than 20 feet from one another.			
9. Schools, including religious and non-sectarian, denominational, private or public schools, not conducted as a private gainful business, subject to the following provisions.	P	P	N
A. Minimum lot size shall be not less than two acres.			
B. All buildings shall be not less than 100 feet from any lot lines.			
C. Completely detached buildings on the same lot shall be not less than 20 feet from one another.			
10. Library.	P	P	P
11. Public building owned or operated by the Borough	P	P	P
12. Public recreational facility owned or operated by an agency of the Borough or other government.	P	P	N
13. Private club, operated for members only and not for profit.	N	P	P
14. Nursing Home.	P	P	N

ZONING

RS VC HC

A nursing or convalescent home is a licensed establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, nor surgical nor obstetrical services, shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.

- A. A lot area of not less than two acres is provided.
- B. No more than 50 patients shall be accommodated at any one time, unless the lot area is increased by 1,000 square feet for each additional patient bed over 50.

**Office Use.**

15. Medical Office. N P P

An office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.

16. Veterinarian. N P P

Where animals or pets are given medical or surgical treatment, including animal hospitals.

- A. If small animals are to be treated, dogs, cats, birds and the like, such hospital shall have a minimum lot area of two acres.
- B. If large animals are to be treated, cows, horses, pigs, and the like, such office or hospital is not permitted in any district.

17. Bank or other financial institution N P P

18. Business, professional, or governmental office.

**Commercial Uses. N P P**

19. Shops and stores for the sale of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint and wearing apparel. N P P

20. Personal services, including barber shop, beauty parlor, laundry or cleaning agency, self-service laundry and wearing apparel. N P P

	<b>RS</b>	<b>VC</b>	<b>HC</b>
21. Restaurant or other place for the sale and consumption of food and beverages, but without drive-in service (service at table or counter facilities only).	N	P	P
22. Restaurant or other place for the sale and consumption of Food and beverages with drive-in service.	N	N	P
23. Repair shop for appliances, watches, guns, bicycles, locks.	N	P	P
24. Mortuary or funeral home.	N	P	P
25. Public Entertainment Facilities.	N	C	P
An activity operated as a gainful business, open to the public for the purpose of public entertainment or recreation, including but not limited to bowling alleys, motion picture theaters, health clubs, miniature golf course, etc., providing:			
A. All outdoor facilities shall be limited to the HC and VC districts.			
B. In the HC and VC districts, adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties shall be taken.			
C. In VC districts, adequate measures to prevent disruptive traffic effects upon residential developments shall be taken.			
26. Gasoline Service Station.	N	P	P
Where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail and normal mechanical repairs are conducted, but not including body work, painting, spraying or welding, or storage of automobiles not in operating condition, providing:			
A. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.			
B. Fuel pumps may be located within the front yard but shall be at least 20 feet from any street line.			
C. All automobile parts, dismantled vehicles, and similar articles shall be within a building.			
27. Automotive sales, including sale and rental of automobiles, trucks, farm equipment, trailers and boats.	N	P	P

ZONING

	<b>RS</b>	<b>VC</b>	<b>HC</b>
28. Automotive repair and car washing facilities, not including storage of automobiles and other vehicles not in operating condition.	N	N	P
<b>Utilities.</b>			
29. Fire station.	P	P	P
30. Utility station, including electric substations, pumping stations, automatic telephone exchanges, micro-relay stations and the like, providing:	P	P	P
A. In RS and VC districts, such uses shall be permitted only if essential to service such district.			
B. In an RS district, no public business office, and in an RS and VC district, no storage yard or storage building nor repair facilities, shall be in connection with such use.			
31. Parking lot, as a primary use of the land, providing:	P	P	P
A. In an RS district, such area will be used for the parking of cars of employees, customers or guests of existing establishments in the same district where the parking area is proposed.			
B. No charge shall be made for parking.			
C. No sales or service operation shall be performed.			
D. Such area shall meet the design standards of Part 8.			
<b>Industrial Uses.</b>			
32. Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, food-stuffs and other products.	N	C	P
33. Warehousing, including wholesale business.	N	N	P
34. Printing, publishing, binding.	N	C	P
35. Truck terminal.	N	N	P
36. Contractor's office and storage, such as building, cement, electrical, heating, plumbing, masonry, painting and roofing.	N	N	P
37. Lumber yard.	N	N	C
38. Upholsterer or cabinetmaker.	N	N	P



**RS      VC      HC**

\*Uses 32, 34, 37, and 39 when permitted as a Conditional Use (“C” as above) shall be permitted subject to the following conditions in addition to the conditions of §27-1007:

- A. The owner or other person having primary interest in the proposed industrial use shall reside on the same parcel of land therewith.
- B. Unless cause is shown to the contrary and specific limits are established, the operations of any such proposed industrial use shall be contained within buildings in existence at the time of the adoption of this Chapter.
- C. A minimum lot size of two acres.
- D. Buffer yards in accordance with §27-608 shall be required unless the Borough Council deems such requirement unnecessary.

39.	Mill, where grain, lumber and similar products are processed.	N	N	C
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**Accessory Uses.**

40.	Home Occupation.	P	P	P
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A home occupation is an activity that:

- A. Is customarily carried on in a dwelling unit, and
- B. Is clearly incidental and secondary to the use of the dwelling for residential purposes, and
- C. Conforms to the following regulations:
  - (1) The home occupation shall be carried on wholly indoors and within the existing buildings.
  - (2) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Part 7 and there shall be no exterior storage of materials.
  - (3) No alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
  - (4) No repetitive servicing by truck for supplies and materials shall be required.

ZONING

	RS	VC	HC
(5) The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than one additional employee.			
(6) In RS and VC districts, the floor area devoted to a home occupation shall not be more than 25% of the ground floor area of the principal residential structure.			
D. In particular, a Home Occupation includes, but is not limited to the following: art studio, barber shop, beauty parlor, professional office of a physician, dentist, lawyer, engineer, architect, writer or accountant, real estate and insurance office.			
E. However, among the uses that shall not be interpreted to be a home occupation are the following: animal hospital; commercial stables and kennels; funeral parlors or undertaking establishment; antique shops; tourist home and restaurants.			
41. Accessory Uses. Including but not limited to, non-commercial greenhouses, tool shed, private garage, swimming pool or similar accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any use accessory to a use permitted only under a conditional use shall be established only if and as provided in such conditional use.	P	P	P
42. Drive-in stand not exceeding 400 square feet of gross floor area for the sale of farm, nursery or greenhouse products primarily produced on the premises where offered for sale, provided:	P	P	P
A. The stand shall not be nearer than 50 feet to any intersection.			
B. The stand shall be of temporary construction but shall be maintained in good condition.			
43. Off-street parking subject to the provisions and requirements of Part 8.	P	P	P
44. Signs subject to the provisions and requirements of Part 7.	P	P	P
45. Principal uses as accessory uses. If any principal use listed in this table is proposed as an accessory use to another permitted principal use, permission to establish such proposed accessory use shall be granted as a Conditional Use subject to the requirements of §27-401(2).	C	C	C

(Ord. 128, 4/10/1972, Art. IV, §450; as amended by Ord. 183, 6/8/1987, §I-III)

**PART 5**

**DIMENSIONAL REQUIREMENTS**

**§27-500. District Regulations.**

The regulations for each District pertaining to minimum lot size, minimum lot width, maximum building coverage, maximum height and minimum yards shall be as specified in this Section, "Table of Dimensional Requirements for Principal and Accessory Uses Permitted by Right," subject to the further provisions of Part 4, Part 5, and Part 10.

(Ord. 128, 4/10/1972, Art. V, §500; as amended by Ord. 183, 6/8/1987, §IV; and by A.O.

**A. Lot Size.**

**§27-501. Lot Area or Yard Required.**

The lot or yard requirements for any new building or use shall not include any part of the lot that is required by any other building or use to comply with the requirements of this Chapter. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Chapter if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

(Ord. 128, 4/10/1972, Art. V, §510)

**§27-502. Minimum Lot Size.**

Where a minimum lot size is specified, no main building or use shall be erected or established on any lot of lesser size than as specified in §27-500, except as specified in §27-503.

(Ord. 128, 4/10/1972, Art. V, §511)

**§27-503. Exceptions to Minimum Lot Sizes.**

1. The provisions of §27-500 shall not prevent the construction of a single-family dwelling on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed, and provided that:
  - A. Such lot is not less than 5,000 square feet.

## ZONING

- B. Those lots not served by public water and sewers shall meet all requirements of the Bucks County Department of Health.
  - C. That the percentage of lot area covered by the single-family dwelling shall not exceed 15% of the area of the lot or 1,500 square feet, whichever is greater.
  - D. That the front and rear yards shall aggregate at least 60% of the total depth or meet the normal requirements of the District in which the lot is located, but in no case shall either the front yard or the rear yard be less than 30 feet.
  - E. That the side yards shall aggregate at least 40% of the total lot width or meet the normal requirements of the District in which the lot is located, but in no case shall either side yard be less than 10 feet.
2. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this Chapter in any case where a re-parceling or replatting could create one or more lots which would conform to the normal provisions.

(Ord. 128, 4/10/1972, Art. V, §512)

### **B. Lot Width.**

#### **§27-504. Minimum Lot Width.**

Where a minimum lot width is specified, no main building shall be erected on any part of a lot which has a width of less than that specified in Section 500, except as specified in §27-503.

(Ord. 128, 4/10/1972, Art. V, §520)

### **C. Building Coverage.**

#### **§27-505. Maximum Building Coverage.**

For any building or group of buildings on a lot, the percentage of the lot area covered by buildings shall not exceed the maximum specified in §27-500.

(Ord. 128, 4/10/1972, Art. V, §530)

**D. Height of Buildings.**

**§27-506. Maximum Height of Buildings.**

No building shall exceed the maximum height of buildings specified in §27-500, except as specified in §27-507.

(Ord. 128, 4/10/1972, Art. V, §540)

**§27-507. Height Exceptions.**

The height limitation of this Chapter shall not apply to church spires, belfries, cupolas, monuments, silos and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features and necessary mechanical appurtenances normally built above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the buildings.

(Ord. 128, 4/10/1972, Art. V, §541)

**E. General Yard and Setback Regulations.**

**§27-508. Traffic Visibility Across Corners.**

In all districts, no structure, fence, planting or other structure shall be maintained between a plane two feet above curb level and plane seven feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the front and side lot lines and a straight line drawn between points on each such lot line 25 feet from the intersection of said lot lines or extension thereof.

(Ord. 128, 4/10/1972, Art. V, §550)

**§27-509. Spacing of Non-Residential Buildings on the Same Lot.**

Where two or more main buildings for non-residential uses are proposed to be built upon property in one ownership, front, side and rear yards are required only at lot lines abutting other properties.

(Ord. 128, 4/10/1972, Art. V, §551)

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### F. Front Yards.

#### §27-510. Front Yard Requirements.

1. Where a minimum depth of front yard is specified in §27-500, an open space at least the specified depth shall be provided between the street line or lines and the nearest point of any principle buildings, except as may be permitted hereafter. As provided in §27-200, street lines are considered to be established by future right-of-ways when so designated. The purpose of this provision is to avoid interference with anticipated future road widening and improvements. [Ord. 232]
2. Future right-of-way widths are established for those roads wherein the existing legal right-of-way is less than that indicated below for the particular class of road. The centerline of each future right-of-way shall be considered the same centerline as the existing right-of-way. The specific classification for each road is shown on the appropriate municipal zoning map.
3. Streets and their future rights-of-way as follows:
  - A. Thoroughfares.
    - (1) Collector Highways-designed to carry a moderate volume of fastmoving traffic from primary and secondary streets to arterial streets, with access to abutting properties restricted. Future rights-of-way shall be 80 feet.
  - B. Local Streets.
    - (1) Primary Streets-designed to carry a moderate volume of traffic and to provide access to the abutting properties.
    - (2) Future rights-of-way shall be 50 feet.

(Ord. 128, 4/10/1972, Art. V, §560; as amended by Ord. 232, 6/11/2001, §II)

#### §27-511. Requirements for Front Yards Along Thoroughfares.

For those properties fronting on thoroughfares (collector highways as identified in §27-510(3)(A) above), minimum front yards shall be at least 50 feet unless an additional setback is required by §27-500 for the district involved.

(Ord. 128, 4/10/1972, Art. V, §561)

**§27-512. Corner Lots.**

On a corner lot, the street side yard shall equal the required front yard for lots facing that street.

(Ord. 128, 4/10/1972, Art. V, §562)

**§27-513. Through Lots.**

On a through lot, the rear yard depth shall be not less than the required depth of the front yard in the district in which such lot is located.

(Ord. 128, 4/10/1972, Art. V, §563)

**§27-514. Exceptions for Existing Alignment.**

If the alignment of two or more existing buildings on each side of a lot within a distance of 50 feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the average of such existing alignment within that distance shall be the required front yard.

(Ord. 128, 4/10/1972, Art. V, §564)

**§27-515. Projections Into Front Yards.**

Ground story bays and porches not over half the length of the front wall may project into any front yard 3 1/2 feet. Chimneys, flues, columns, sills and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard.

(Ord. 128, 4/10/1972, Art. V, §565)

**§27-516. Fences and Terraces in Front Yards.**

Subject to §27-509, the provisions of §27-510 shall not apply to front fences, hedges or walls less than six feet high above the natural grade in the required front yard, nor to terraces, steps, uncovered porches, unenclosed porches, nor to other similar features less than three feet above the level of the floor of the ground story.

(Ord. 128, 4/10/1972, Art. V, §566)

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### **§27-517. Accessory Buildings in Front Yards.**

Accessory buildings shall not be permitted within required front yards.

(Ord. 128, 4/10/1972, Art. V, §567)

### **G. Side Yards.**

#### **§27-518. Side Yard Requirements.**

No portion of a building or structure shall be built within the minimum depth from the side line specified in §27-500, except as permitted in §27-521.

(Ord. 128, 4/10/1972, Art. V, §570)

#### **§27-519. Projections Into Side Yards.**

Bays, balconies, chimneys, flues and fire escapes may project into a required side yard not more than 1/3 of its width, and not more than four feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard three 1/2 feet.

(Ord. 128, 4/10/1972, Art. V, §571)

#### **§27-520. Fences and Terraces in Side Yards.**

Subject to §27-509, the provisions of §27-518 shall not apply to fences or hedges less than seven feet above the natural grade, nor to terraces, steps, uncovered porches or other similar features less than three feet above the floor of the ground story.

(Ord. 128, 4/10/1972, Art. V, §572)

#### **§27-521. Accessory Buildings in Side Yards.**

1. Completely detached temporary (without permanent footings) accessory buildings of 100 square feet of ground floor area or less may occupy a required side yard up to the property line. In no case may any part of the accessory building project over the side property line.
2. Completely detached permanent (with permanent footings) accessory buildings of any ground floor area may occupy a required side yard but shall not be located closer than 10 feet from any side property line.”



(Ord. 128, 4/10/1972, Art. V, §573; as amended by Ord. 186, 12/12/1988, §1; by Ord. 232, 6/11/2001, §III)

## **H. Rear Yards.**

### **§27-522. Rear Yard Requirements.**

No portion of a building or structure shall be built within the minimum depth from the rear line specified in §27-500, except as permitted in §27-524.

(Ord. 128, 4/10/1972, Art. V, §580)

### **§27-523. Projections Into Rear Yards.**

Such projections into side yards as permitted by §27-519 may also be permitted into rear yards up to the same number of feet, but in no case within eight feet of an accessory buildings.

(Ord. 128, 4/10/1972, Art. V, §581)

### **§27-524. Accessory Buildings in Rear Yards.**

1. Completely detached temporary (without permanent footings) accessory buildings of 100 square feet of ground floor area or less may occupy a required rear yard up to the property line. In no case may any part of the accessory buildings project over the rear property line.
2. Completely detached permanent (with permanent footings) accessory buildings of any round floor area may occupy a required rear yard but shall not be located closer than 10 feet from any rear property line.

(Ord. 128, 4/10/1972, Art. V, §582; as amended by Ord. 232, 6/11/2001, §IV)



**PART 6**

**GENERAL PERFORMANCE STANDARDS**

**§27-600. Compliance.**

All uses and activities established after the effective date of this Chapter shall comply with the following standards.

(Ord. 128, 4/10/1972, Art. VI, §600)

**§27-601. Noise.**

1. The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, z 24.3 1944, American Standards Association, Inc., New York, New York, and the American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10-1953, American Standards Association, Inc., New York, New York shall be used).
2. Sound pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows. (All of the decibel levels stated below shall apply in each case.)

<b>Frequency Band (Cycles Per Second)</b>	<b>Maximum Permitted Sound-Pressure Level (Decibels)</b>
0- 150	67
150- 300	59
300- 600	52
600- 1200	46
1200- 2400	40
2400- 4800	34
Above 4800	32

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3. If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

4. Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one hour period	+5

Noise is of periodic character (hum, scream, etc.), or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)

-5

(Ord. 128, 4/10/1972, Art. VI, §601)

### **§27-602. Smoke.**

No smoke shall be emitted from any chimney or other source, of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any 30 minute period.

(Ord. 128, 4/10/1972, Art. VI, §602)

### **§27-603. Dust, Fumes, Vapors and Gases.**

1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
2. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

(Ord. 128, 4/10/1972, Art. VI, §603)

### **§27-604. Heat.**

No use shall produce heat perceptible beyond its lot lines.

(Ord. 128, 4/10/1972, Art. VI, §604)

**§27-605. Odor.**

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provisions of Table III (odor thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

(Ord. 128, 4/10/1972, Art. VI, §605)

**§27-606. Glare.**

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines.

(Ord. 128, 4/10/1972, Art. VI, §606)

**§27-607. Vibrations.**

No use shall cause earth vibrations or concussions detectable beyond its lot lines, without the aid of instruments, with the exception of vibration produced as a result of construction activity.

(Ord. 128, 4/10/1972, Art. VI, §607)

**§27-608. Buffer Yards.**

Buffer yards are required in all HC districts among the district boundaries between themselves and residential districts. Buffer yards shall comply with the following standards.

- A. The buffer yard shall be 50 feet wide and shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.
- B. The buffer yard may be conterminous with required front, side, or rear yards, and in case of conflict, the larger yard requirements shall apply.
- C. In all buffer yards, the exterior 25 foot width shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.

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- D. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior 25 foot width.
- E. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be located within the exterior 25 feet of the buffer yard, and shall be in accordance with the following requirements:
  - (1) Plant materials used in the screen planting shall be at least four feet in height when planted and be of such species as will produce, within two years, a complete visual screen of at least eight feet in height.
  - (2) The screen planting shall be maintained permanently, and plant material which does not live shall be replaced within one year.
  - (3) The screen planting shall be so placed that at maturity it will be not closer than three feet from any street or property line.
  - (4) In accordance with the provisions of §27-508, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
  - (5) The screen planting shall be broken only at points of vehicular or pedestrian access.
- F. Prior to the issuance of any Zoning Permit, complete plans showing the arrangement of all buffer yards, the placement, species and size of all plant materials, and the placement size, materials and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer, to ascertain that the plans are in conformance with the terms of this Chapter.

(Ord. 128, 4/10/1972, Art. VI, §610)

### **§27-609. Storage and Waste Disposal.**

- 1. No highly flammable or explosive liquids, solids or gasses shall be stored in bulk above ground, except tanks or drums of fuel directly connected with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel. Provided, however, that the bulk storage of liquid fuels in quantities that exceed the amount reasonably required for on-site domestic heating shall be permitted upon any property as a permitted accessory use if the primary use of the property is a business engaged in selling, at wholesale or retail, fuel for residential or commercial consumption. Any fuel stored on such a property shall be stored in above-ground containers. In a case of liquid propane, any such propane

shall be stored in accordance with the Liquefied Petroleum Gas Act, 35 P.S. §1321, et seq, as it may be amended.

2. All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life, be allowed to enter any stream or watercourse.
4. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(Ord. 128, 4/10/1972, Art. VI, §620; as amended by Ord. 210, 11/13/1995, §1)

#### **§27-610. Wetlands.**

1. Wetlands. Wetlands are areas of undrained, saturated soils supporting wetland vegetation, where the water table is at or near the surface or where shallow water covers the area due to permanent or seasonal inundation of surface or ground water. Such areas shall not be altered, regarded, filled, piped, diverted or built upon, except for minor road crossings where design approval is obtained from the municipality, where State and Federal permits have been obtained, and where no other reasonable access is available.

Delineation of Wetlands — When a site contains hydric soils<sup>1</sup> and/or an area with a predominance of wetlands vegetation,<sup>2</sup> an on-site investigation shall be conducted to determine if wetlands are present on the site. A landowner or an applicant shall use one of the following methods to delineate wetlands:

<sup>1</sup> The following soils, classified in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania U.S. Department of Agriculture, Soil Conservation Service, July 1975, are hydric soils:

Bowmansville silt loam  
Doylestown silt loam  
Fallsington silt loam  
Hatboro silt loam  
Towhoo silt loam  
Towhoo extremely stony silt loam

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<sup>2</sup> The attached plant list represents common wetland species found in Bucks County.

- A. Wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Borough. The study must be approved by the Borough Council.
  - B. A wetlands delineation validated by the U.S. Army Corps of Engineers. In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from a wetlands boundary derived from method
    - (1) above, the Corps delineation will govern.
2. Wetlands Margin. Wetlands margin is the transitional area extending from the outer limit of the wetland. For the purposes of this Chapter, the wetlands margin shall extend 75 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. No part of such areas shall be altered, regraded, filled or built upon.

### Bucks County Wetlands Plant List

Scientific Name	Common Name
<i>Acer negundo</i> L.	Box Elder
<i>Acer saccharinum</i> L.	Silver Maple
<i>Acorus calamus</i> L.	Sweetflag
<i>Agrostis alba</i> L.	Redtop
<i>Alisma subcordatum</i> Raf.	Subcordate Waterplantain
<i>Alnus serrulata</i> (Ait.) Willd.	Hazel Alder
<i>Amaranthus cannabinus</i> (L.) Sauer	Tidemarsch Waterhemp
<i>Amorpha fruticosa</i> L.	Dull-Leaf Indigo
<i>Andropogon gerardii</i> Vitman	Big Bluestem
<i>Andropogon glomeratus</i> (Walt.) B.S.P.	Bushybeard Bluestem
<i>Andropogon virginicus</i> L.	Broomsedge Bluestem
<i>Arisaema triphyllum</i> (L.) Schott	Indian Jack-in-the-Pulpit
<i>Aronia arbutifolia</i> (L.) Ell.	Red Chokecherry
<i>Aronia melanocarpa</i> (Michx.) Ell.	Black Chokecherry
<i>Asclepias incarnata</i> L.	Swamp Milkweed



### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
Aster umbellatus Mill.	Flattop Aster
Betula nigra L.	River Birch
Bidens (all species)	Beggarticks
Boehmeria cylindrical (L.) SW.	Smallspike False-Nettle
Calamagrostis canadensis (Michx.) Beauv.	Bluejoint Reedgrass
Calamagrostis cinnoides (Muhl.) Barton	Hairyseed Reedgrass
Caltha palustris L.	Marsh Marigold
Cardamine bulbosa (Schreb.) B.S.P.	Bulb Bittercress
Cardamine pensylvanica Muhl. Ex Willd.	Pennsylvania Bittercress
Carex (all species)	Sedge
Cephalanthus occidentalis L.	Common Buttonbush
Chelone glabra L.	White Turtlehead
Chrysosplenium americanum Schweinitz	Golden Saxifrage
Cicuta bulbifera L.	Poison Waterhemlock
Cicuta maculata L.	Common Waterhemlock
Cinna arundinacea L.	Stout Woodreed
Clethra alnifolia L.	Summersweet Clethra
Conium maculatum L.	Poison Hemlock
Cornus amomum Mill.	Silky Dogwood
Cyperus (all species)	Flatsedge
Decodon verticillatus (L.) Ell.	Water Willow
Dulichium arundinaceum (L.) Britt.	Three-Way-Sedge
Echinochloa walteri (Pursh) A. Heller	Walter Millet
Eleocharis (all species)	Spikerush
Epilobium coloratum Biehler	Purpleleaf Willowweed
Equisetum fluviatile L.	Water Horsetail
Equisetum hyemale L.	Scouringrush Horsetail
Eragrostis hypnoides (Lam.) B.S.P.	Teal Lovegrass
Eragrostis pectinacea (Michx.) Nees	Carolina Lovegrass
Eupatoriadelphus dubius (all species)	Joe-Pye Weed
Eupatorium perfoliatum L.	Boneset

**Bucks County Wetlands Plant List**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Eupatorium pilosum</i> Walter	Hairy Thoroughwort
<i>Euthamia graminifolia</i> (L.) Nutt.	Grass-Leaved Goldenrod
<i>Fraxinus nigra</i> Marshall	Black Ash
<i>Fraxinus pennsylvanica</i> Marshall	Green Ash
<i>Galium obtusum</i> Bigel.	Bluntleaf Bedstraw
<i>Galium parisiense</i> L.	Wall Bedstraw
<i>Galium tinctorium</i> L.	Dye Bedstraw
<i>Glyceria</i> (all species)	Mannagrass
<i>Helenium autumnale</i> L.	Common Sneezeweed
<i>Heteranthera reniformis</i> R. & P.	Roundleaf Mudplantain
<i>Hibiscus mosocheutos</i> L.	Rose Mallow
<i>Hydrophyllum virginianum</i> L.	Virginia Waterleaf
<i>Hypericum mutilum</i> L.	Dwarf St. Johnswort
<i>Ilex verticillata</i> (L.) A. Gray	Winterberry
<i>Impatiens capensis</i> Meerb.	Spotted Touch-Me-Not
<i>Impatiens pallida</i> Nutt.	Pale Touch-Me-Not
<i>Iris pseudacorus</i> L.	Yellow Iris
<i>Iris versicolor</i> L.	Blueflag Iris
<i>Juncus</i> (all species)	Rush
<i>Laportea canadensis</i> (L.) Wedd.	Canada Woodnettle
<i>Leersia oryzoides</i> (L.) Swartz	Rice Cutgrass
<i>Leersia virginica</i> Willd.	Whitegrass
<i>Leucothoe racemosa</i> (L.) Gray	Swamp Leucothoe
<i>Lindera benzoin</i> (L.) Blume	Spicebush
<i>Liquidambar styraciflua</i> L.	Sweetgum
<i>Ludwigia</i> (all species)	Seed-Box
<i>Lycopus</i> (all species)	Bugleweed
<i>Lyonia ligustrina</i> (L.) DC.	Male-Berry
<i>Lysimachia</i> (all species)	Loosestrife
<i>Lythrum salicaria</i> L.	Purple Loosestrife
<i>Magnolia virginiana</i> L.	Sweetbay

### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
<i>Mentha X piperita</i> L.	Peppermint
<i>Mertensia virginica</i> (L.) Pers.	Virginia Bluebells
<i>Mimulus ringens</i> L.	Monkey-Flower
<i>Myosotis scorpioides</i> L.	True Forget-Me-Not
<i>Nasturtium officinale</i> R. Br.	Watercress
<i>Nuphar luteum</i> (L.) Sibth. & J.E. Smith	European Cowlily
<i>Onoclea sensibilis</i> L.	Sensitive Fern
<i>Osmunda</i> (all species)	Fern
<i>Panicum longifolium</i> Torr.	Long-Leaved Panic-Grass
<i>Panicum rigidulum</i> Bosc. Ex Nees.	Redtop Panicum
<i>Peltandra virginica</i> (L.) Kunth.	Arrow-Arum
<i>Phalaris arundinacea</i> L.	Reed Canarygrass
<i>Phragmites australis</i> (Cav.) Trin. Ex Steud.	Giant Cane
<i>Polygonum amphibium</i> L.	Water Knotweed
<i>Polygonum arfolium</i> L.	Halberdleaf Tearthumb
<i>Polygonum hydropiper</i> L.	Marshpepper Knotweed
<i>Polygonum hydropiperoides</i> Michx.	Swamp Knotweed
<i>Polygonum pensylvanicum</i> L.	Pennsylvania Smartweed
<i>Polygonum punctatum</i> Ell.	Dotted Smartweed
<i>Polygonum sagittatum</i> L.	Arrow-Leaved Tearthumb
<i>Polygonum scandens</i> L.	Hedge Cornbind
<i>Pontederia cordata</i> L.	Pickerelweed
<i>Quercus bicolor</i> Willd.	Swamp White Oak
<i>Quercus palustris</i> Muench.	Pin Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Ranunculus sceleratus</i> L.	Celeryleaf Buttercup
<i>Ranunculus septentrionalis</i> Poir.	Swamp Buttercup
<i>Rhododendron viscosum</i> (L.) Torr.	Swamp Azalea
<i>Rhynchospora capitellata</i> (Michx.) Vahl	False Bog Rush
<i>Rorippa palustris</i> (L.) Besser	Marsh Yellowgrass
<i>Rorippa sylvestris</i> (L.) Besser	Creeping Yellowgrass

## ZONING

### Bucks County Wetlands Plant List

<b>Scientific Name</b>	<b>Common Name</b>
<i>Rosa palustris</i> Marshall	Swamp Rose
<i>Sagittaria</i> (all species)	Arrowhead
<i>Salix</i> (all species)	Willow
<i>Saururus cernuus</i> L.	Lizard's Tail
<i>Scirpus</i> (all species)	Bulrush
<i>Scutellaria integrifolia</i> L.	Rough Skullcap
<i>Scutellaria laterifolia</i> L.	Blue Skullcap
<i>Sium suave</i> Walt.	Common Waterparsnip
<i>Smilax hispida</i> Muhl.	Bristly Greenbriar
<i>Sparganium</i> (all species)	Burreed
<i>Spiraea latifolia</i> (Ait.) Borkh.	Broadleaf Meadowsweet Spiraea
<i>Spiraea tomentosa</i> L.	Hardback
<i>Symlocarpus foetidus</i> (L.) Nutt.	Common Skunkcabbage
<i>Thelypteris thelypteroides</i> (Michx.) J. Holub	Marsh Fern
<i>Triadenum virginicum</i> (L.) Raf.	Marsh St. Johnswort
<i>Typha angustifolia</i> L.	Narrow-Leaved Cattail
<i>Typha latifolia</i> L.	Common Cattail
<i>Ulmus americana</i> L.	American Elm
<i>Ulmus rubra</i> Muhl.	Slippery Elm
<i>Vaccinium corymbosum</i> L.	Highbush Blueberry
<i>Vaccinium macrocarpon</i> Ait.	Large Cranberry
<i>Verbena hastata</i> L.	Blue Verbena
<i>Viburnum dentatum</i> L.	Arrow-Wood
<i>Viburnum recognitum</i> Fernald	Arrow-Wood
<i>Woodwardia areolata</i> (L.) T. Moore	Netted Chainfern
<i>Zizania aquatica</i> L.	Annual Wildrice

(Ord. 128, 4/10/1972, Art. VI as added by Ord. 203, 3/9/1992, §2)

**PART 7**

**SIGNS**

**§27-700. Definition of “Sign”.**

Sign shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other outdoor surface, that shall display or include any letter, word, insignia, flag or representation used as or in the nature of an advertisement, announcement, visual communication or direction, or which is designed to attract the eye or bring the subject to the attention of the public.

(Ord. 128, 4/10/1972, Art. VII, §700)

**§27-701. Definition of “On-Premises” and “Off-Premises” Signs.**

1. On-Premises Sign. An “on-premises” sign is a sign which directs attention to a person, business, profession, or home occupation conducted on the same lot. A “for sale” or “for rent” sign relating to the lot on which it is displayed shall be deemed an “on-premises sign”.
2. Off-Premises Sign. An “off-premises sign” is a sign which directs attention to a person, business, profession, product, or home occupation not conducted on the same lot.

(Ord. 128, 4/10/1972, Art. VII, §701)

**§27-702. Area of Sign.**

1. For a sign, the area shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

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4. In computing square-foot area of a double-face sign, only one side shall be considered, provided both faces are identical.

(Ord. 128, 4/10/1972, Art. VII, §702)

### **§27-703. Exemptions from Permits.**

Signs permitted in §27-704(1)(4)(5) and (6) of this Part shall be exempt from the permit requirements of this Chapter.

(Ord. 128, 4/10/1972, Art. VII, §703)

### **§27-704. On-Premises Signs Permitted in an RS District.**

1. Signs displaying the street number or name of the occupant of the premises, or both, provided that the area on any one side of any such sign shall not exceed two square feet. Such a sign may include identification of permitted accessory uses, including a customary home occupation or a roadside stand.
2. One bulletin or announcement board or identification sign for a permitted non-residential building or use, provided that the area on any one side of any such sign shall not exceed 12 square feet.
3. One sign in connection with a lawfully maintained nonconforming use, provided that the area on any one side of any such sign shall not exceed two square feet.
4. "For Sale" or "For Rent" signs, provided that the area on any one side of any such sign shall not exceed 12 square feet, and provided that no "For Sale" sign shall remain on any premises longer than 72 hours after an agreement of sale for the said premises has been signed by the seller and a potential purchaser regardless of whether such agreement of sale is contingent on the buyer's obtaining a mortgage or contingent upon the happening of any other event.
5. Temporary contractors, developers, architects or builders signs, provided that the area on any one side of any such sign shall not exceed 24 square feet. Such signs shall be maintained on the premises to which they relate and shall be removed upon completion of the work.
6. Signs announcing no trespassing; signs indicating the private nature of a road, driveway or premises; and signs controlling fishing or hunting on the premises; provided that the area on any one side of any such sign shall not exceed four square feet.

(Ord. 128, 4/10/1972, Art. VII, §704; as amended by Ord. 163, 5/12/1980, §1)

**§27-705. On-Premises Signs Permitted in HC and VC Districts.**

No sign or other on-premises advertising device shall be permitted except as follows:

- A. All signs permitted in the RS Districts at the standards prescribed for signs in this district.
- B. Signs advertising permitted nonresidential uses provided that, for all signs to be viewed from without any building, the following requirements shall apply:
  - (1) Height of signs attached to a building shall not exceed 20% of the building height, and the total area of all signs attached to a building shall not exceed 20% of the area of the building face to which said signs are attached.
  - (2) Not more than one free-standing sign shall be placed on any premises held in single and separate ownership, unless such premises fronts upon more than one street, in which event one sign may be erected on each frontage. The area on any one side of any free-standing sign shall not exceed 100 square feet. Free-standing signs shall not exceed 20 feet in height.

(Ord. 128, 4/10/1972, Art. VII, §705)

**§27-706. Directional Signs Permitted in All Districts.**

Off-premises signs which are used for directing persons to principal uses in the Borough may be erected to the following requirements:

- A. A sign shall indicate only the name and direction of the principal use.
- B. Only one such sign shall be erected prior to each intersection turning movement necessary to reach such principal use and not more than 50 feet from such intersection.
- C. No more than four directional signs shall be erected in the Borough for any one principal use.
- D. Signs shall not exceed 12 square feet in area.
- E. Signs shall be no closer than 15 feet to a side lot line and shall not be located within the street line.
- F. Signs shall not exceed 20 feet in height.

(Ord. 128, 4/10/1972, Art. VII, §706)

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### **§27-707. Signs in All Districts.**

The following requirements shall apply to all signs and other advertising devices:

- A. No sign or other advertising device with visible moving or moveable parts, or with flashing, animated or intermittent illumination, shall be erected or maintained.
- B. No sign or other advertising device attached to a building shall project more than six inches above the roof on parapet line nor more than 12 inches out from the wall to which it is attached. Signs not exceeding six square feet in area may be placed perpendicular to a building face if attached to and below a canopy projecting from said building.
- C. No sign or other advertising device shall be located within 15 feet of any side property line, except signs permitted in §27-704(1) and §27-704(6).
- D. No sign or other advertising device shall be located within the lines of any street right-of-way.
- E. “For Sale” or “For Rent” signs are permitted only on the premises which is for sale or rent.

(Ord. 128, 4/10/1972, Art. VII, §707; as amended by Ord. 163, 5/12/1980, §2)

### **§27-708. Maintenance of Signs.**

Every sign subject to the provisions of this Chapter must be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the Borough at the expense of the owner or lessee of the property on which it is located.

(Ord. 128, 4/10/1972, Art. VII, §708)

### **§27-709. Nonconforming Signs.**

If any legal, nonconforming sign shall be removed for reasons other than normal maintenance or natural causes, it may be replaced only with a sign that conforms with the provisions of this Part. Legal nonconforming signs may be repainted or repaired provided that the dimensions of the sign are not increased.

(Ord. 128, 4/10/1972, Art. VII, §709)



**§27-710. Zoning Permits–Nonconforming Signs.**

Recording of all nonconforming signs existing at the effective date of this Chapter shall be required in accordance with procedures specified in §27-907.

(Ord. 128, 4/10/1972, Art. VII, §710)



**PART 8**

**OFF-STREET PARKING AND LOADING**

**§27-800. Required Off-Street Parking Space.**

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this Chapter, is erected, enlarged or altered for use for any of the following purposes in any district.

Uses 1-4 Residential Uses. Two off-street parking spaces and six for each dwelling unit.

Use 5 Rooming house, lodging house, dormitories, sororities, fraternities and any other similar places providing living accommodations: One off-street parking space for each three beds.

Use 7 No requirements.

Use 8 Place of Religious Worship. One off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to patrons, guests or members, whichever requires the greater number of off-street parking spaces; plus one additional space for each full-time employee.

Use 9 Religious, sectarian and non-sectarian, denominational, private school or public school not conducted as a private gainful business: kindergarten and elementary school-one off-street parking space for each faculty member and employee plus one space per two classrooms and offices.

Junior High School. One off-street parking space for each faculty member and employee plus one space per two classrooms and offices.

Senior High School. One off-street parking space per faculty member and employee plus one space per 10 students of projected building capacity.

College and Junior College. One off-street parking space per faculty member and employee plus one space for each 10 classroom seats or one off-street parking space for each 10 auditorium seats, whichever formula will require the larger number of parking spaces.

Use 10 Library or museum, not conducted as private, gainful business: one space per five seats or one space per 250 square feet of gross floor area where no seats are provided.

Use 11 Municipal Building. As required by the legislative body.

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- Use 12 Recreational Facilities and Golf Courses. One off-street parking space for each five persons of total capacity.
- Use 13 Private Club or Lodge, not Operated as a Private Gainful Business. One off-street parking space for every five members of total capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
- Use 14 Nursing Home. One off-street parking space for each three patient or inmate beds; plus at least one additional off-street parking space for each staff and visiting doctor; plus one additional off-street parking space for each employee (including nurses) on the two major shifts.
- Use 15-16 Medical or Veterinary Office. Four off-street parking spaces per doctor.
- Use 17-18 Banks, Business, Professional or Governmental Offices. One off-street parking space for each 200 square feet of gross floor area, plus one additional space for every two full-time employees.
- Use 19-20 Personal Services. One off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers, plus one additional space for every two full-time employees.
- Use 21 Eating Place for the Consumption of Food and Beverages Without Drive-In Service. One off-street parking space for each 50 square feet of total floor area; plus one additional off-street parking space for each full-time employee.
- Use 22 Eating Place for the Sale and Consumption of Food and Beverages With Some Drive-In Service. One off-street parking space for every two seats or one off-street parking space for every 100 square feet of gross floor area, whichever is larger, plus no fewer than five off-street parking spaces for every 100 square feet of gross floor area.
- Eating Place for the Consumption of Food and Beverages With Only Drive-In Service. No less than six off-street parking spaces for each 100 square feet of gross floor area.
- Use 23 Repair Shop for Such Goods as Appliances, Watches, Guns, Bicycles, and Locks. One off-street parking space for each 300 square feet of gross floor area; plus one additional space for each full-time employee.
- Use 24 Mortuary or Funeral Home. One off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used in the operation of

the establishment, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.

- Use 25 Public Entertainment Facilities. One off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
- Use 26 Gasoline Service Station. One off-street parking space for every 300 square feet of gross floor area or two off-street parking spaces for each service bay, whichever is larger, plus one space for each full-time employee. Said off-street parking spaces are not to be part of, nor interfere with, the accessways to the pumps.
- Use 27 Automotive Sales or Rental. One off-street parking space for each 100 square feet of gross floor area, plus one additional space for each full-time employee.
- Use 28 Repair Garage. One off-street parking space for each 100 square feet of gross floor area, plus one additional space for each full-time employee.
- Use 29 Fire Station. Three off-street parking spaces for every four employees on the two major shifts at maximum employment, or four off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces; where a community room is provided, two off-street parking spaces for each fire truck plus one off-street parking space for each 100 square feet of gross floor area.
- Use 30 Utility Station. One off-street parking space for each vehicle normally required to service such facility.
- Use 31 None required.
- Use 32-39 Industrial Uses. Three off-street parking spaces for every four employees on the largest shift, plus one space for each company vehicle normally stored on the premises.
- Use 40 Home Occupation. One off-street parking space in addition to spaces otherwise required.
- Use 41 None required.
- Use 42 Drive-in Stand. A sufficient number of off-street parking spaces to accommodate the maximum number of vehicles stopping at any one time, but in no case fewer than three such spaces.

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Use 43-44 None required.

Use 45 As required by the appropriate parking regulation for the principal use involved.

(Ord. 128, 4/10/1972, Art. VIII, §800)

### **§27-801. General Regulations Applying to Required Off-Street Parking Facilities.**

1. Existing Parking. Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
2. Change in Requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of §27-800, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
3. Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
4. Continuing Character of Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Board of Adjustment and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or a hazard, or unreasonable impediment to traffic.
5. Joint Use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces required in a common parking facility may be reduced below this total only as a conditional use under Part 11, if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility.

- 6. Fractional Spaces. Where the computation of required parking space results in a fractional number, any fraction of the next highest number shall be counted as one.
- 7. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the use served.
- 8. Maintenance of Parking Areas. For parking areas of three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Zoning Officer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

(Ord. 128, 4/10/1972, Art. VIII, §801)

**§27-802. Design Standards.**

The design standards specified below shall be required for all off-street parking facilities with a capacity of three or more vehicles, built after the effective date of this Ordinance.

- A. The minimum dimensions of stalls and aisles shall be as follows:
  - (1) Except as provided in Subsection (5) below, stall width shall be at least 10 feet.
  - (2) Except as provided in Subsection (5) below, stall depth shall be at least 20 feet with said dimensions measured on the angle for all angle parking and 22 feet for parallel parking.
  - (3) Minimum width of aisles providing access to stalls of one-way traffic only, varying with the angle of the parking, shall be:

<b>Angle of Parking</b>	<b>Minimum Aisle Width</b>
Parallel	12 feet
30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

- (4) Minimum width of aisles providing access to stalls for two-way traffic shall be 25 feet.

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- (5) Any off-street parking facility subject to this section may be designed so that up to one-third of the parking stalls may have a width of nine feet and a depth of 18 feet for angle parking, or 20 feet for parallel parking, provided that such stalls are clearly designated by sign or other writing as being for use by compact cars only.

[Ord. 190]

- B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- C. The width of entrance and exit drives shall be:
  - (1) A minimum of 12 feet for one-way use only.
  - (2) A minimum of 20 feet for two-way use.
  - (3) A maximum of 35 feet at the street line and 54 at the curb line.
- D. For the purpose of servicing any property held under single and separate ownership, entrance and exit drives crossing the street line shall be limited to two along the frontage of any single street, and their center lines shall be spaced at least 80 feet apart. On all corner properties, there shall be spaced a minimum of 60 feet, measured at the curb line between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.
- E. In no case shall parking areas for three or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.
- F. All parking spaces and access drives shall be at least five feet from any side or rear lot line, except as further provided in §27-608.
- G. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a planting strip which shall be not less than 12 feet in depth. This 12 foot planting strip shall be parallel to the street line and shall be measured from the existing right-of-way.
- H. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property.

(Ord. 128, 4/10/1972, Art. VIII, §802; as amended by Ord. 190, 8/14/1989, §1)



**§27-803. Off-Street Loading.**

Off-street loading requirements as specified below shall be met on any lot on which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected.

- A. Every department store, freight terminal or railroad yard, hospital, retail establishment, storage warehouse or wholesale establishment, sanitarium, industrial plant or manufacturing establishment exceeding 6,000 square feet shall have at least one off-street loading space. Where there is an aggregate gross floor area of 20,000 square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table:

<b>Square Feet of Aggregate Gross Floor Area Devoted to Each Use</b>	<b>Required Number of Berths</b>
6,000 up to 19,999	1
20,000 up to 79,999	2
80,000 up to 127,999	3
128,000 up to 191,999	4
192,000 up to 255,999	5
256,000 up to 319,999	6
320,000 up to 391,999	7
For each additional 72,000 square feet	1 additional berth

- B. Every auditorium, convention hall, exhibition hall, funeral home, multiple-family dwelling of 20 units or more, office building, restaurant, hotel, sports arena or welfare institution exceeding 6,000 square feet shall have at least one off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more, arranged, intended or designed for such use, there shall be provided off-street truck loading and unloading berths in accordance with the following table:

<b>Square Feet of Aggregate Gross Floor Area Devoted to Each Use</b>	<b>Required Number of Berths</b>
30,000 up to 44,999	1
45,000 up to 119,999	2
120,000 up to 197,999	3
198,000 up to 290,999	4
291,000 up to 389,999	5
390,000 up to 488,999	6

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<b>Square Feet of Aggregate Gross Floor Area Devoted to Each Use</b>	<b>Required Number of Berths</b>
489,000 up to 587,999	7
588,000 up to 689,999	8
For each additional 105,000 square feet	1 additional berth

(Ord. 128, 4/10/1972, Art. VIII, §803)

**§27-804. Design and Layout of Off-Street Loading Facilities.**

1. Off-street loading facilities shall be designed to conform to the following specifications:
  - A. Each required space shall be not less than 14 feet in width, 55 feet in length, and 14 feet in height, exclusive of drives and maneuvering space, and located entirely on the lot being served.
  - B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
  - C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 35 feet; the minimum width shall be 20 feet.
  - D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the appropriate Borough Engineer to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways.
  - E. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or a hazard or unreasonable impediment to traffic.
  - F. The screening and lighting requirements of §27-802 (F) and (H) shall be met when applicable.
2. All required loading facilities shall be provided and maintained in accordance with the following requirements:
  - A. They shall be provided and maintained so long as the use exists which the facilities were designed to serve.
  - B. They shall not be reduced in total extent after their provisions except when such reduction is in conformity with the requirements of this Article.

- C. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles that they are designed to serve.

(Ord. 128, 4/10/1972, Art. VIII, §804)



**PART 9**

**NONCONFORMITIES**

**§27-900. Definitions.**

1. Nonconforming Structure or Lot. A structure or lot that does not conform to a dimensional regulation prescribed by this Chapter for the district in which it is located or to regulations for signs, off-street parking, or accessory buildings, but which structure or lot was in existence at the time the regulation became effective and was lawful at the time it was established.
2. Nonconforming Use. A use of a building or lot that does not conform to a use regulation prescribed by this Chapter for the district in which it is located, but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

(Ord. 128, 4/10/1972, Art. IX, §900)

**§27-901. Continuation.**

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Chapter, or in the case of an amendment to this Chapter, then at the time of such amendment, may be continued, except as hereinafter provided; although such use does not conform with the provisions of this Chapter or subsequent amendments.

(Ord. 128, 4/10/1972, Art. IX, §910)

**§27-902. Extension or Alteration.**

1. A use or structure that does not conform with the setback, yard, building height or other dimensional requirements of the district in which it is located, may be extended, provided:
  - A. The extension conforms with all the dimensional requirements of this Chapter and with all other applicable regulations of this Chapter.
  - B. If the use or structure falls under Subsection (2) of this Section, any change shall be subject to the provisions of that Subsection.
2. A use that does not conform to the use regulation, of the district in which it is located may be extended, provided that:

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- A. The proposed extensions shall take place only upon the lot or lots held in single ownership at the time the use became nonconforming.
- B. The proposed extension shall conform with the area, building height, parking, sign and other requirements of the district in which said extension is located, as contained in Parts 4-8.
- C. Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 100% of such volume or area during the life of the nonconformity. In computing the volume occupied by any nonconforming use, only the bulk of that portion of any building enclosing the nonconforming use shall be considered. In computing the area occupied by any nonconforming use, only the portion of ground area, if any, of any lot upon which the nonconforming use exists shall be considered. The computations for volume and area, both in establishing the extent of the nonconformity and in determining the limits of its expansion, shall be separate.

(Ord. 128, 4/10/1972, Art. IX, §920)

### **§27-903. Restoration.**

A nonconforming building or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption.

(Ord. 128, 4/10/1972, Art. IX, §930)

### **§27-904. Abandonment.**

If a nonconforming use of a building or land ceases and is abandoned for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter. For the purposes of this Chapter, abandonment shall commence when reasonable efforts to reestablish a nonconforming use shall cease.

(Ord. 128, 4/10/1972, Art. IX, §940)

### **§27-905. Changes.**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions.

- A. Such change shall be permitted only as a Conditional Use under the provisions of Part 11, Zoning Hearing Board.
- B. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.
- C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:
  - (1) Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
  - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
  - (3) Storage and waste disposal.
  - (4) Appearance.

(Ord. 128, 4/10/1972, Art. IX, §950)

**§27-906. List of Nonconforming Uses.**

- 1. Immediately after adoption by the Borough Council of this Chapter or any amendment thereto, the Zoning Officer, according to procedures he may prescribe, shall prepare and publish a complete list of all nonconforming uses existing at the time of the adoption of the Chapter or its amendment. Such list shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupant other than the owner, the legal description or the County Assessor's tax map number, and the nature and extent of the nonconforming use.
- 2. After any necessary corrections have been made under a procedure prescribed by the Borough Council, copies of such list shall, when approved by such body, be filed for record in the offices of the Borough Secretary.

(Ord. 128, 4/10/1972, Art. IX, §960)





**PART 10**  
**ADMINISTRATION**

**§27-1000. Zoning Officer; Duties and Powers.**

1. The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Borough Council, and assigned to the Planning Commission Staff. The Zoning Officer shall administer the ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Ordinance.
2. It shall be the duty of the Zoning Officer and he shall have the power to:
  - A. Receive all applications for zoning permits. Issue permits when there is compliance with the provisions of this Chapter, other applicable municipal regulations, and with the laws of the Commonwealth.
  - B. Upon issuance of a zoning permit, to notify the applicable municipality and the County Board of Assessment. In the case of municipalities having a building code in effect, to also refer zoning permits for new construction or alterations directly to the municipal building inspector for his action and subsequent inspection and granting occupancy as required in §27-1002.
  - C. Receive applications for conditional use permits and refer these applications to the Borough Council for action thereon.
  - D. Following refusal of a permit, to receive applications for appeals from alleged error of the Zoning Officer and variances, and forward these applications to the Zoning Hearing Board for action thereon.
  - E. Conduct investigations to determine compliance or noncompliance with the terms of this Chapter.
  - F. Order in writing the correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by registered mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter.
  - G. Institute, with the recommendations of the Planning Commission and the approval of the Borough Council, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.
  - H. Keep a permanent record of all plans and applications for permits and all permits issued.

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- I. Maintain a map or maps showing the current zoning classification of all land in the Borough.
- J. Prepare and maintain the list of nonconforming uses, prescribed in §27-908.
- K. Upon the request of the Planning Commission, Zoning Hearing Board, or Borough Council, to present to such body facts, records and any similar information to assist such body in reaching a decision.
- L. The Zoning Officer shall have the authority to inspect the lands and buildings built or altered under this Chapter to ensure that they comply with the provisions of this Chapter, and upon satisfactory completion of said inspection issue a certificate of occupancy.

(Ord. 128, 4/10/1972, Art. X, §1000)

### **§27-1001. Zoning Officer; Limits of Authority.**

- 1. The Zoning Officer shall have authority to issue permits only for construction and uses which are in accordance with the requirements of this Chapter. Construction and uses which are subject to conditional use requirements, or construction which requires a variance, shall be issued zoning permits only upon order of the Borough Council and Zoning Hearing Board, respectively.
- 2. The Zoning Officer shall issue no permits for the construction or use of any land and buildings unless it conforms to all applicable County and Borough Ordinances and with the laws of the Commonwealth.
- 3. The Zoning Officer shall process applications for zoning permits or occupancy certificates within 10 calendar days and inform the applicant of the action taken.

(Ord. 128, 4/10/1972, Art. X, §1001)

### **§27-1002. Zoning Permits.**

- 1. Hereafter no structure shall be erected, constructed, reconstructed, extended or moved; and no land or building changed in use; until a Zoning Permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, extension, or moving of structures, the applicant shall notify the Zoning Officer of such completion, or the Borough Building Inspector in the case of new construction or alteration, in municipalities having an effective building code. For procedures regarding temporary permits see §27-403.
- 2. No permit shall be considered as complete or as permanently effective until the Zoning Officer or building inspector, as appropriate, has inspected and approved

the work as being in conformity with the provisions of this Ordinance and a certificate of occupancy issued the owner or authorized agent.

3. Zoning permits shall not be required for: constructing completely detached accessory buildings more than 40 feet from a lot line; alterations when there is no increase in ground floor exterior dimensions or change in use; general maintenance work; painting; clearing woodlands; building ponds; tilling the soil; raising animals; constructing fences, terraces, steps or other similar features; landscaping.

(Ord. 128, 4/10/1972, Art. X, §1002)

**§27-1003. Application Requirements for Zoning Permits.**

All applications for Zoning Permits shall be made in writing by the owner or authorized agent on a form supplied by the Planning Commission and shall be filed with the Zoning Officer. The application shall include among other things:

- A. A statement as to the proposed use of the building or land.
- B. A site layout showing the location, dimensions, and height of proposed structures and uses and any existing buildings in relation to property and street lines.
- C. The number, location and design of parking and loading spaces, signs and buffers when applicable.

(Ord. 128, 4/10/1972, Art. X, §1003)

**§27-1004. Fees.**

The applicant for a Zoning Permit shall at the time of making application, pay to the Zoning Officer for the use of the Borough a fee in accordance with a Fee Schedule adopted by resolution of the Borough Council upon the enactment of this Chapter or as such schedule may be amended by resolution of the Borough Council.

(Ord. 128, 4/10/1972, Art. X, §1004)

**§27-1005. Life of a Permit.**

Any erection, construction, reconstruction, alteration involving an increase in the ground floor area or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within one year after the date of issuance of the permit. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of additional

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fees for an aggregate period of not more than three years, provided that the construction pursuant to said permit has commenced within the first one year period.

(Ord. 128, 4/10/1972, Art. X, §1005)

### **§27-1006. Certificate of Occupancy.**

1. Hereafter no structure shall be erected, constructed, reconstructed, extended or moved and no land or building changed in use under a zoning permit shall be occupied or used in whole or in part for any use whatsoever, until the owner or authorized agent has been issued a certificate of occupancy by the zoning officer, indicating that the building or use complies with the terms of zoning as provided in this Chapter.
2. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this Chapter. No fee shall be charged for a certificate of occupancy.
3. The issuance of a certificate of occupancy in no way constitutes an assumption by the Borough of the responsibility for the establishment of official property lines, or location or grade of any building or structure. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Chapter.

(Ord. 128, 4/10/1972, Art. X, §1006)

### **§27-1007. Conditional Uses.**

1. **Applicability.** The Borough Council shall have the power to approve conditional uses when this Chapter specifically requires the obtaining of such approval and for no other use or purpose.
2. **Conditions and Standards.** In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Chapter, and with the review and recommendations of the Borough Planning Commission as required by Act 247. Borough Council shall not approve any application for conditional use until the Borough Planning Commission's report is received or until the expiration of 30 days from the date the application was forwarded to the Planning Commission. The Borough Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this Chapter.
3. **General Requirements and Standards Applicable to All Conditional Uses.** The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed in §27-404

for the proposed use. The Borough Council shall among other things require that any proposed use and location be:

- A. In accordance with the Borough Development Plan and consistent with the spirit, purposes, and the intent of this Chapter.
  - B. In the best interests of the Borough, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
  - C. Suitable of the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
  - D. In conformance with all applicable requirements of this Chapter.
  - E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
  - F. In accordance with sound standards of subdivision practice where applicable.
4. The Borough Council may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Chapter.

(Ord. 128, 4/10/1972, Art. X, §1007)

**§27-1008. Actions of the Board in Exercising Powers.**

In exercising the above-mentioned powers, the Borough Council may in conformity with law and the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

(Ord. 128, 4/10/1972, Art. X, §1008)

**§27-1009. Conditional Use Application.**

Applications for conditional use shall include a Zoning Permit application with all information required therein together with the following information:

- A. A site layout showing, at scale, any proposed street system and buffer planting screens where applicable.

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- B. A statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Ordinance as required in §27-1007.

(Ord. 128, 4/10/1972, Art. X, §1008)

**PART 11**

**ZONING HEARING BOARD**

**§27-1100. Establishment of Board.**

A Zoning Hearing Board is established in order that the objectives of this Chapter may be more fully and equitably achieved and a means for competent interpretation of this Chapter provided.

(Ord. 128, 4/10/1972, Art. XI, §1100)

**§27-1101. Membership, Terms of Office.**

The Zoning Hearing Board shall consist of three members, appointed by the Borough Council for overlapping three year terms. Members of the Board shall hold no other Borough office except that one member of the Board may also be a member of the Planning Commission. Any member of the Zoning Hearing Board may be removed for cause by the Borough Council upon written notice and charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

(Ord. 128, 4/10/1972, Art. XI, §1110)

**§27-1102. Procedures.**

1. **Officers.** The Board shall elect a Chairman from its membership, shall appoint a Secretary, and shall prescribe rules in accordance with the provisions of the State Statutes and this Chapter for the conduct of its affairs. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
2. **Meetings.** Meetings shall be open to the public and shall be at the call of the Chairman and at such other times as the Board shall specify in its rules of procedure. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board.
3. **Records and Decisions.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Every decision of the Board shall be by resolution. Each resolution together with the minutes of proceedings and the final disposition of each case shall be filed with the Zoning Officer by case number under one of the following headings: Interpretations, Conditional Uses, Variances. The Board shall notify the

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Borough Council and Planning Commission of all decisions and resolutions. Further, the Board shall submit a report of its activities to the governing body once a year.

4. Compensation. The Borough Council may fix per diem compensation for the members of the Board, according to a schedule adopted by resolution of the Borough Council upon the enactment of this Chapter or as such schedule may be amended by resolution of the Borough Council.

(Ord. 128, 4/10/1972, Art. XI, §1120)

### **§27-1103. Planning Commission Review.**

The Zoning Hearing Board shall request a statement of fact from the Planning Commission on any appeal for interpretation or variance. The Planning Commission, according to procedures it shall prescribe, shall submit a report of such fact prior to the date of the public hearing held by the Board on such appeal or application.

(Ord. 128, 4/10/1972, Art. IX, §1121)

### **§27-1104. Interpretation.**

1. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto; where it is alleged there is an error in any order, requirements, decision, or determination including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Officer in the enforcement of this Chapter.
2. Upon appeal from decision by the Bucks County Planning Commission in carrying out the Bucks County Subdivision Regulations or any amendments thereto, the Zoning Hearing Board shall decide if the Bucks County Planning Commission has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of such subdivision regulations.

(Ord. 128, 4/10/1972, Art. XI, §1130)

### **§27-1105. Variances.**

1. Applicability. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the requirements of this Chapter. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Chapter, or by reason of exceptional topographic conditions or other extraordinary



and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, but in no other case.

2. Condition. In general, the power to authorize a variance from the terms of this Chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.
3. Requirement and Standards. No variance in the strict application of the provisions of this Chapter shall be granted by the Board unless the Board finds that the requirements and standards are satisfied. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate his appeal to prove that the appeal for the variance is in conformance with the requirements and standards listed below:
  - A. That the granting of the variance shall be in harmony with the general purpose and intent of this Chapter, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - B. That the granting of the variance will not permit the establishment within a district of any use which is not permitted in that district.
  - C. There must be proof of unique circumstances that there are special circumstances or conditions, fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or building.
  - D. There must be proof of unnecessary hardship. If the hardship is general, that is, shared by neighboring property, relief can be properly obtained only by legislative action or by court review of an attack on the validity of the Chapter.
  - E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without knowledge or restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

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4. The Board may prescribe any safeguard that it deems to be necessary to secure substantially the objectives of the regulation or provision to which the variance applies.

(Ord. 128, 4/10/1972, Art. XI, §1131)

### **§27-1106. General Rules and Procedures for Appeals and Applications.**

1. Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this Chapter shall be filed with the Zoning Officer within 30 days after the date of the Zoning Officer's adverse decision.
2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board and accompanied by fees prescribed in §27-1004 and by resolution of the Borough Council.
3. All appeals and applications shall refer to the specific provisions of this Chapter involved.

(Ord. 128, 4/10/1972, Art. XI, §1140)

### **§27-1107. Interpretation Appeals.**

Appeals concerning the interpretation of any provision of this Chapter shall exactly set forth the interpretation that is claimed.

(Ord. 128, 4/10/1972, Art. XI, §1141)

### **§27-1108. Variance Appeals.**

Appeals for variance from the strict application of this chapter shall include the zoning permit denied by the Zoning Officer together with a statement with any supporting evidence regarding the requirements listed in §27-1105(3).

(Ord. 128, 4/10/1972, Art. XI, §1142)

### **§27-1109. Who May Appeal.**

Appeals to the Zoning Hearing Board may be taken by any person or Borough official aggrieved or affected by any provisions of this Chapter or by any decision, including any order to stop, cease, and desist issued by the Zoning Officer in enforcing the provisions of this Chapter. These appeals must be filed within 30 days of the date the decision is rendered by the Zoning Officer.

(Ord. 128, 4/10/1972, Art. XI, §1144)

**§27-1110. Notice of Hearings.**

Upon the filing with the Zoning Hearing Board of an application for a variance or interpretation of this Ordinance, the Board shall fix a reasonable time for a public hearing thereon and give notice as follows:

- A. At least 15 days prior to the date fixed for the public hearing, publish a notice describing the location of the building or lot, the general nature of the question involved and the time and place for the public hearing, in a newspaper of general circulation in the Borough in which the building or lot in question is located.
- B. Post, in a conspicuous place on the property involved, a notice of pending action, such posting to take place at least 15 days prior to the public hearing.
- C. Give written notice to parties in interest, who shall be at least those persons whose properties adjoin or are across public roads from the property in question.

(Ord. 128, 4/10/1972, Art. XI, §1145)

**§27-1111. Decisions of the Board.**

1. The Board shall render a written decision or, when no decision is called for, make written findings on all applications within 45 days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
2. If the Zoning Hearing Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that such board has decided in favor of the applicant, or in the case of interpretation appeals in favor of the Zoning Officer. Upon the hearing, any party may appear in person or by agent or by attorney. The person seeking relief may grant the Board additional time if he so chooses.

(Ord. 128, 4/10/1972, Art. XI, §1146)

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### **§27-1112. Challenge to Validity.**

The Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Borough Council. However, recognizing that challenges to the validity of an ordinance or map may present issues of fact and of interpretation which may lie within the special competence of the Board, and to facilitate speedy disposition of such challenges by a Court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

(Ord. 128, 4/10/1972, Art. XI, §1147)

### **§27-1113. Court Appeals.**

Any persons aggrieved by any decision of the Zoning Hearing Board, or any taxpayer or the County Commissioners may, within 30 days after such decision of the Board, appeal to the Court of Common Pleas of Bucks County, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or in accordance with law, and specify the grounds upon which he relies. Such appeals shall be made in accordance with Part 10 of the Pennsylvania Municipalities Planning Code.

(Ord. 128, 4/10/1972, Art. XI, §1148)

### **§27-1114. Fees.**

The applicant for any hearing before the Zoning Hearing Board, shall at the time of making application, pay to the Zoning Officer, for the use of the Borough, a fee in accordance with the Fee Schedule adopted by resolution of the Borough Council upon enactment of this Chapter or as such schedule may be amended by resolution of the Borough Council.

(Ord. 128, 4/10/1972, Art. XI, §1149)

**PART 12**  
**AMENDMENTS**

**§27-1200. Power of Amendment.**

The Borough Council may, from time to time, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this Part.

(Ord. 128, 4/10/1972, Art. XII, §1200)

**§27-1201. Definition.**

The words “amend,” “amendment,” “amendments” or “amended” in this Chapter shall be deemed to include any modification of the text or phraseology of any provision or amendment thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the ordinance or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any map forming part of or referred to in any zoning ordinance or any part of such map, and, in addition to such map, any new map or maps or any other change in the maps or any map.

(Ord. 128, 4/10/1972, Art. XII, §1201)

**§27-1202. Initiation of Amendments.**

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. **Proposals Originated by Borough Council.** The Borough Council shall refer every proposed amendment, supplement, change, modification or repeal originated by said Council to the Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit to the Borough Council a report containing the Commission’s recommendations, including any additions or modifications to the original proposal.
2. **Proposals Originated by the Planning Commission.** The Planning Commission may at any time transmit to the Borough Council any proposal for the amendment, supplement, change, modification, or repeal of this Chapter.
3. **Proposals Originated by a Citizen’s Petition.** Each petition by one or more owners of property or other residents to be affected by a proposal for amendment shall be

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submitted in writing to the Borough Council. Fees to be determined by resolution of the Borough Council shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. On receipt of said petition, the Borough Council shall transmit a copy of the petition to the Planning Commission. Within 30 days of this submission of the Planning Commission, the Commission shall submit to the Borough Council a report containing the Commission's recommendation, including any additions to or modifications of the original proposal.

(Ord. 128, 4/10/1972, Art. XII, §1202)

### **§27-1203. Hearings.**

1. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon. No such amendment shall become effective until after such hearing at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
2. Notice shall be given not more than 30 days, and not less than 14 days, in advance of such hearing and shall be published in a newspaper of general circulation in the Borough, once each week for two successive weeks. Such notice shall state the time and place of the hearing and shall include either the full text of the proposed amendment, or a brief summary setting forth the principal provisions in reasonable detail, with reference to a place where copies of the proposed amendment may be examined.
3. No hearing shall be held before or during the 30 day period in which the Planning Commission has been directed to review and report its recommendations to the Borough Council.

(Ord. 128, 4/10/1972, Art. XII, §1203)

**PART 13**  
**VIOLATIONS**

**§27-1300. Enforcement Notice.**

1. If it appears to the Borough that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the municipality intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - E. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
  - F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
4. In any appeal of an enforcement notice to the zoning hearing board the municipality shall have the responsibility of presenting its evidence first.

(Ord. 128, 4/10/1972; as added by A.O.)

## ZONING

### **§27-1301. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

(Ord. 128, 4/10/1972, Art. XIII, §1310; as amended by A.O.)

### **§27-1302. Complaints of Violations.**

Whenever a violation of this Chapter occurs, any person may file in writing a complaint in regard thereto with the zoning officer who shall record such complaint, immediately investigate the complaint, and report thereon to Borough Council.

(Ord. 128, 4/10/1972, Art. XIII, §1311; as amended by A.O.)

### **§27-1303. Jurisdiction.**

Magisterial district judges shall have initial jurisdiction over proceedings brought under §27-1301.

(Ord. 128, 4/10/1972; as added by A.O.)



**PART 14**

**ZONING MAP AMENDMENTS**

**§27-1400. Amendments.**

(Ord. 128, 4/10/1972; as added by A.O.



27 Attachment 1

Borough of Richlandtown

**Section 500 Table of Dimensional Requirements for Principal and Accessory Uses Permitted by Right**

(Unless other dimensions are specified in Article IV)

(See §25-500 for historical reference.)

Dis- trict	Minimum Lot Size	Minimum Lot Width (ft.)	Maximum Impervious Surface	Maximum Height (feet)	Minimum Yards (feet) (each)		
					Front	Side	Rear
	Single-family detached 12,000 sq. ft.	65	30%	35	35	25 aggregate with minimum of 10	35
	Single-family semi-detached (twin dwelling) 8,712 sq. ft. [A.O.]	45	30%	35	35	15	35
RS	Townhouse End, 6,000 sq. ft.	20	40%*	35	20**	20	20
	Townhouse Interior, 4,000 sq. ft.	20	40%*	35	20**	0	20
	All corner lots must have a minimum di- mension of 150 feet x 80 feet						
	Single-family detached 12,000 sq. ft.	65	30%	35	25	25 aggregate with minimum of 10	35
	Multi-family detached (duplex dwelling) 17,424 sq. ft. [A.O.]	45	30%	35	35	15	35
VC	Townhouse End, 6,000 sq. ft.	20	40%*	35	20**	20	20
	Townhouse Interior, 4,000 sq. ft.	20	40%*	35	20%**	0	20

ZONING

District	Minimum Lot Size	Minimum Lot Width (ft.)	Maximum Impervious Surface	Maximum Height (feet)	Minimum Yards (feet) (each)		
					Front	Side	Rear
HC	All corner lots must have a minimum dimension of 150 feet x 80 feet 20,000 sq. ft.	100	25%	40	50	20***	35***

\* Not more than 40% of the lot surface may be covered with impervious materials which, for this purpose, shall include but not be limited to buildings, walks, driveways, parking areas, patios, and swimming pools.

\*\* If the building setback (front yard) of any building on an adjacent parcel and within 50 feet of the proposed building is greater than 20 feet but less than 50 feet, the required building setback (front yard) shall be the average setback (front yard) of the buildings on the adjacent lots which are set back at least 20 feet.

\*\*\* No structure or use except off-street parking shall be less than 50 feet from any residential district boundary line.

- Note:
1. Any subdivision regulation or other applicable regulation which requires a minimum lot size larger than it is indicated herein shall take precedence.
  2. See §27-511 hereof for additional requirements.

## APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because they are of an historical or one-time nature only, the provisions of which were primarily completed directly after enactment. Because the enactments are mainly of an historical or administrative interest, it has not been considered necessary to include the entire text. Rather, the enactments are arranged in groups, according to subject matter, and, within each group, listed by title in chronological order. Annual budget and tax enactments have been listed only in the "Key to Disposition of Ordinances." Anyone desiring to read the full text of any of these enactments may do so by consulting the original records of the municipality.

The enactments included in this Appendix are grouped under the following headings:

- A..... Annexation of Territory
- B..... Bond Issues and Loans
- C..... Franchises and Services
- D..... Governmental and Intergovernmental Affairs
- E..... Plan Approval
- F..... Public Property
- G..... Sewers
- H..... Streets and Sidewalks
- I..... Water
- J..... Zoning; Prior Ordinances



**APPENDIX A**

**ANNEXATION OF TERRITORY**

(Reserved to accommodate future enactments)





**APPENDIX B**

**BOND ISSUES AND LOANS**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
22	6/9/1905	Authorizing Borough Bonds be issued in the amount of 4,000 to purchase fire apparatus.
146	4/12/1976	Authorizing the issuance of a General Obligation Note in the principal amount of 38,000 for the purpose of expansion and improvement of the Borough water supply system.
151	4/24/1978	Authorizing the issuance of General Obligation Notes in the principal amount of 160,000 for the improvement and expansion of the Borough water supply system.
156	5/16/1979	Authorizing the issuance of General Obligation Notes in the principal amount of 160,000 for the improvement and expansion of the Borough water supply system.
R. 4/11/1988		Resolving to lend the Richlandtown Fire Company No. 1 the sum of 20,000 to be repaid within 10 years from the date of the loan.



## APPENDIX C

### FRANCHISES AND SERVICES

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
12	11/20/1896	Granting consent to construct an electric railway upon the streets of the Borough.
16	6/7/1901	Granting permission to the Standard Telephone and Telegraph Company to construct, operate and maintain a telephone system in the Borough.
26	12/13/1915	Granting permission to the Richlandtown Electric Light and Power Company to occupy the streets and alleys of the Borough for the purpose of installing poles and wires.
30	7/10/1922	Providing for the furnishing of electric street lights to the Borough.
31	7/14/1924	Granting permission to the Highland Gas Company to lay and maintain gas pipes in and along the public streets of the Borough.
32	5/14/1928	Providing for the furnishing of electric street light to the Borough.
38	6/13/1938	Providing for the furnishing of electric street lights to the Borough.
55	7/12/1948	Granting permission to the Pennsylvania Power and Light Company to furnish electric street lights in the Borough.
73	7/11/1955	Granting permission to the Pennsylvania Power and Light Company to furnish electric street lights in the Borough.
122	4/14/1971	Granting permission to B&B Cablevision, Inc. to construct, maintain and operate a community television antenna system.
153	9/11/1978	Granting permission to Suburban Cable TV Company, Inc., to construct, maintain and operate a community television antenna system.
R. 11/14/198		Granting permission to the Pennsylvania Power and Light Company to furnish electric street lights in the Borough.
R. 1996-01	1/15/1996	Accepting the proposal of Allied Painting, Inc., for the labor, materials and equipment to paint the interior and exterior of the Borough's water tank.

## FRANCHISES AND SERVICES

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
219	7/13/1998	Granting permission to Suburban Cable TV Company, Inc., to construct, maintain and operate for a period of 10 year a one-way or two-way transmission and distribution of audio, digital and video impulses.

## APPENDIX D

### GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
63	9/8/1952	Establishing a system of payroll deduction to be matched by payments of the Borough to be made into the Social Security Fund.
71	5/9/1955	Subjecting the Borough to the jurisdiction of the Bucks County Department of Health.
R. 11/6/1978		Requesting that Act 170 of 1978 be amended to exclude Borough officials from the annual filing of financial statements.
144	12/15/1978	Authorizing the creation of a Capital Reserve Fund for anticipated capital expenditures.
R.4/9/1979		Resolving to sponsor a proposed amendment to the Constitution of the Pennsylvania State Association of Boroughs.
R.2/12/1979		Resolving to conform to the intent of Act 1978-323 to change the name of the Borough Civil Defense Agency to the Borough Emergency Management Agency.
R.2/11/1980		Authorizing that upon receipt of tax duplicates the Tax Collector is authorized to send out the tax bills as soon as may be conveniently and lawfully done.
167	1/12/1981	Authorizing the office of Secretary and Treasure to be held by the same person.
R.1981-1	2/10/1981	Authorizing that 25% of the Liquid Fuels Tax be used for maintenance and repair of roads, streets and bridges.
R.1981-3	4/13/1981	Granting authorization to the Richlandtown Fire Company to engage in fund raising activities.
R.1981-6	11/9/1981	Petitioning to the General Assembly to take whatever action is necessary to ensure that Bucks County remains unified within a single Congressional District.
R.1982-1	2/8/1982	Authorizing that 25% of the Liquid Fuels Tax be used for maintenance and repair of roads, streets and bridges.
R.7/12/1982		Resolving that all charges and expenses incurred by the Zoning Hearing Board shall be borne by the applicant.
R.1983-2	1/10/1983	Authorizing that 25% of the Liquid Fuels Tax be used for maintenance and repair of roads, streets and bridges.
R.1983-3	1/10/1983	Supporting reenactment of the Federal General Revenue Sharing Program.

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.1983-4	2/14/1983	Honoring J. Harold Hinkle for his undaunted service to the citizens of the Borough.
R.1983-5	6/13/1983	Granting authorization to the Richlandtown Borough Fire Company to engage in fund raising activities.
R.1983-6	5/9/1983	Resolving that the County and the Borough are both desirous to implement the Richlandtown Borough Water System Improvement in the amount of 10,000.
R.1983-7	7/11/1983	Adopting the plan known as the Quakertown Borough 201 Facilities Plan.
R.1984-1	2/13/1984	Authorizing that 25% of the Liquid Fuels Tax be used for maintenance and repair of roads, streets and bridges.
R.1984-2	2/13/1984	Granting authorization to the Richlandtown Borough Fire Company to engage in fund raising activities.
R.1984-3	4/9/1984	Supporting the passage of the State gasoline tax.
R.6/10/1985		Adopting the Wastewater Facilities Component of the Quakertown Area Comprehensive Plan as the Borough's Official Plan.
R.1986-1	6/9/1986	Supporting any effort in Congress to continue General Revenue Sharing.
R.4/13/1987		Authorizing the Bucks County Bank and Trust Company to pledge assets to secure public deposits on a pooled basis.
188	1/9/1989	Authorizing the Borough to join with other municipalities by becoming a member of the Pennsylvania Intergovernmental Risk Management Association.
R.4/30/1988		Appointing Barry R. Swartz as Councilman to fill the vacancy created by the resignation of John Loux.
R.8/8/1988		Designating the Mayor as Enforcement Officer to enforce the ordinances of the Borough.
R.10/10/1988		Calling upon the members of the General Assembly to pass legislation on the objectives of comprehensive local tax reform.
R.12/12/1988		Resolving to become a member of the Upper Bucks Consortium of Committees.
R.3/2/1989		Placing a question on the ballot for the May 15, 1989, Primary Election.
R.1990-1	1/2/1990	Resolving that Council meetings will begin at 7:00 p.m. prevailing time.

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.1990-2	1/8/1990	Resolving to fly the POW/MIA flag at the municipal building.
R.1990-3	2/12/1990	Agreeing to participate in the creation of a joint comprehensive plan for the six municipalities in the Quakertown Community School District.
R.1990-10	12/10/1990	Supporting the development of a roadway improvement plan for the Route 313/663 corridor.
Res.1991-1	-/-/1991	Supporting the relocation of the State Police Barracks from Dublin to Nockamixon State Park.
R.1991-2	-/-/1991	Encouraging PennDOT to proceed with the environmental impact study.
199	7/8/1991	Entering into an intergovernmental cooperation agreement with Richland Township to provide for the Township's testing for plumbing licenses in the Borough.
R.1992-1	1/13/1992	Granting authorization to the Richlandtown Borough Fire Company to engage in fund raising activities.
R.1992-2	1/13/1992	Authorizing the addition of an 100 annual license fee to be called the Municipal Waste License Fee.
R.1992-3	2/10/1992	Designating one or more processing and/or disposal facilities for municipal waste.
R.1992-7	11/9/1992	Requesting initiation of a Quakertown Area Arterial Need Study.
R.1993-1	11/16/1993	Approving the Improvements Agreement and Escrow Agreement presented to Council on January 30, 1987.
R.1993-2	12/13/1993	Recognizing Fire Company No. 1 as the official Fire Company of Richlandtown Borough.
R.1993-6	12/13/1993	Authorizing the Borough to join with other local governmental units as a member of the Pennsylvania Intergovernmental Risk Management Association Worker's Compensation Fund.
R.199-1	8/8/1994	Approving the final plan and waiver of Section 523-B.
1994-2	9/12/1994	Setting the permit fee for storage of a defective motor vehicle.
1994-3	11/14/1994	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Richlandtown Borough.
R.1995-2	6/12/1995	Resolving to follow the schedules and procedures for disposition of records set forth in the Municipal Records Manual approved on July 16, 1993.

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.1995-3	6/12/1995	Authorizing the disposition of public records dated 1972 through 1977.
R.1995-5	8/14/1995	Entering into an agreement with Jonathan L. Felton and W. Stanley Delp, Jr., to amend the Improvements and Escrow Agreement dated August 8, 1994.
R.1995-6	9/11/1995	Intending to fully and actively participate in the stormwater management planning process for the Tohickon Creek Watershed.
212	3/11/1996	Agreeing to appoint the locally elected tax collector as the municipal officer authorized to provide tax certifications upon request by the public.
R.1996-2	8/12/1996	Encouraging and supporting the creation of a nature center within the Upper Bucks County region for the benefit of regional residents and community.
R.1994-4	12/9/1996	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Richlandtown Borough.
R.1997-4	9/8/1997	Supporting the feasibility of establishing a satellite campus of the Bucks County Community College in the Quaker-town area.
R.1998-2	3/9/1998	Calling upon State legislators to support the passage of the Lawsuit Abuse Reform Act.
R.1999-1	2/8/1999	Requesting PennDOT to include the Portzer and Pumping Station Roads project on its capital improvement program.
R.1999-2	5/10/1999	Requesting Bucks County Planning Commission and PennDOT to include the projects identified in the Pickering Study.
R.1999-3	7/12/1999	Urging the Bucks County Planning Commission, County Commissioners and SEPTA Board members to formally request that SEPTA and Delaware Valley Regional Planning Commission to put Upper Bucks rail restoration on their 10 year respective plan with very high priority.
R.2000-2	2/14/2000	Requesting permission to participate in the Pennsylvania Department of General Services Cooperative Purchasing Program.
R.2000-3	3/13/2000	Recognizing authority of Volunteer Fire Company to seek reimbursement for hazardous abatement material, environmental incidents and fire, safety and rescue responses.
R.2000-7	8/14/2000	Resolving that the Pennsylvania State Constable's Office of Springfield Township be contracted to hand enforcement duties for the Borough.



<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.2000-9	9/11/2000	Resolving that the Borough Open Space Plan has been discussed at a public meeting and is adopted in its entirety.
R.2000-10	11/13/2000	Declaring the discrepancies in maintenance practices between Township's and Borough's by the Department of Transportation.
R.2000-11	11/13/2000	Resolving to lend support to the Rivers Conservation project.
R.2002-1	9/9/2001	Authorizing application to the 2003 Bucks County CDBG Program.
R.2004-1	3/8/2004	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Richlandtown Borough.
R.2004-2	4/12/2004	Authorizing the Bucks County Planning Commission to make application for a grant on behalf of the Borough.
R.2005-2	10/10/2005	Authorizing application to the 2006 Bucks County CDBG Program.
R.2005-3	11/14/2005	Authorizing Bucks County Planning Commission to prepare the Bucks County Hazard Mitigation Plan on behalf of Richlandtown Borough.



**APPENDIX E**  
**PLAN APPROVAL**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.1990-5	7/9/1990	Accepting the Water Distribution System in the Richland Cherry Streets Associates Subdivision
R.1990-6	8/13/1990	Adopting and submitting to the Department of Environmental Resources for its approval the development of a parcel of land identified and Dimple Creek Estates.
R.1990-7	8/13/1990	Adopting and submitting to the Department of Environmental Resources for its approval the development of a parcel of land identified as ADR Subdivision.
R.1993-5	12/13/1993	Approving the development plan of Zohlman Nursing Home, Inc.
R.1997-3	7/14/1997	Adopting and submitting to the Department of Environmental Resources for its approval the plan of Roland Amery, Jr., a sewage facilities planning module for sewer tap-in and sewer extension.



**APPENDIX F**

**PUBLIC PROPERTY**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
R.1995-7	11/13/1995	Accepting a deed in fee simple of a parcel of land recorded in Bucks County Plan Book 275, page 24, Tax Map Parcel NO. 37-2-32, by deed of gift in lieu of condemnation.
R.1997-2	4/14/1997	Acquiring by condemnation the premises adjacent to the Borough's property known as Bucks County Tax Map Parcel No. 37-1-26 at the northwest corner of Main and Walnut Streets.
R.1999-5	11/8/1999	Authorizing the Borough Council to acquire certain real estate a certain parcel of property known as Bucks County Tax Map Parcel No. 37-1-47-4.
R.1999-4	11/5/1999	Authorizing the Borough Council to select and appropriate by eminent domain certain real estate in the Borough.
R.2000-4	4/10/2000	Acceptance of Deed of Dedication ADR/Dimple Creek Roads and open space.
R.2000-5	4/10/2000	Authorizing the Borough Council to select and appropriate by eminent domain certain real estate in the Borough.
R.2004-3	11/8/2004	Acceptance of Deed of Dedication for Richland Greene, Windsor Drive for public road purposes.
R.2004-4	11/8/2004	Acceptance of Deed of Dedication for Richland Greene, Mary Court for public road purposes.
R.2004-5	11/8/2004	Acceptance of Deed of Dedication for Richland Greene, Lot No. 34 for park and recreational purposes.



## APPENDIX G

### SEWERS

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
127	3/13/1972	Approving the plan and estimated costs submitted by Bucks County water and Sewer Authority for the construction of a sanitary sewage collection system and appurtenant facilities.





## APPENDIX H

### STREETS AND SIDEWALKS

This appendix contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities

Name	Activity	Location	Ord./Res.	Date
Applebackville Rd.	renaming	Intersection with the Richlandtown Turnpike between the Church and C.C. Freeds to be known as Church St.	6	7/26/1891
Applebackville Rd.	grading	Intersection of Richlandtown Turnpike to Borough limits	5	7/26/1891
Briar Wood Dr.	opening	As described in Job No. 32094.08 of Cowan Associates.	224	7/10/2000
California Rd.	renaming	Intersection with Hellertown Rd. between E.W. Gables and W.D. Freeds to be known as Cherry St.	6	7/26/1891
California Rd.	grading	Intersection with Hellertown Rd. to Borough limits	5	7/26/1891
Centennial Dr.	opening	As described in Job No.32094.08 of Cowan Associates.	224	7/10/2000
Cherry St.	grading	Intersection of Main St. to the Borough line	13	6/4/1902
Cherry St.	naming	Intersection with Hellertown Rd. between E.W. Gables and W.D. Freeds formerly California Rd.	6	7/26/1891
Cherry St.	grading	Intersection of Main St. with Cherry St.	27	1/5/1914
Cherry St.	establishing	Station 161-47 to Station 99-99.92	79	2/11/1957
Cherry St.	establishing	Both sides	170	1/10/1983
Church St.	opening	Intersection of Main St. to the Borough line	19	9/15/1898
Church St.	establishing	Station 161-47 to Station 99.99.92	79	2/11/1957

STREETS AND SIDEWALKS

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
Church St.	naming	Intersection with the Richlandtown Turnpike between the Church and C.C. Fees formerly named Applebackville Rd.	6	7/26/1891
Church St.	establishing	Both sides	170	1/10/1983
Concord Ridge Rd.	opening	As described in Project No. 861004, of Brian Nixon and Associates	224	7/10/2000
Doylestown Rd.	grading	Intersection with Quakertown Rd to Borough limits	5	7/26/1891
East Union St.	establishing	Both sides	170	1/10/1983
East Union St.	establishing	Station 161-47 to Station 99.99.92	79	2/11/1957
First Ave. (west side)	establishing	In front of Tax Map Parcel No. 37-3-7	170	1/10/1983
First Ave. (west side)	establishing	In front of Tax Map Parcel No. 37-3-10	170	1/10/1983
First Ave.	grading	North from Cherry St. to Walnut St.	59	8/14/1950
First Ave. (east side)	establishing	Cherry St. south to and including Tax Map Parcels No. 37-3-43-1	170	1/10/1983
First Ave.	opening	North from Cherry St. to Walnut St.	58	8/14/1950
First Ave.	establishing	West Union St. north to and including Tax Map Parcels 37-3-12 and 37-3-40	170	1/10/1983
First Ave.	establishing	North Linda Cr. to Walnut St.	170	1/10/1983
First Ave.	dedicating	North side of Walnut St. for a distance of approximately 305 feet and of a width approximate 33 feet.	140	4/12/1976
First Ave.	dedicating	As shown in Bucks County Office of the Recorder of Deeds in Plan Book 115, page 47A and 47B	161	1/14/1980
First Ave.	opening	South from Cherry St. to West Union St.	53	6/14/1948
First Ave.	grading	South from Cherry St. to West Union St.	54	6/14/1948

## (APPENDIX H)

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
Hellertown Rd.	grading	Junction of the Richlandtown Turnpike to Borough limits	5	7/26/1891
Linda Ct.	dedicating	As shown in Bucks County Office of the Recorder of Deeds in Plan Book 115, Page 47A and 47B	161	1/14/1980
Main St.	renaming	Former connection with Hellertown Rd. running north and south through the Borough formerly named Richlandtown Turnpike	6	7/26/1891
Main St.	establishing	South from the junction of Richlandtown Turnpike and Hellertown Rd. to the Borough limits.	21	11/7/1904
Main St.	opening	Junction of Hellertown Rd. south to the Borough line	8	8/10/1891
Main St.	establishing	Church St. north to the Borough line	24	6/4/1906
Main St.	establishing	Station 161-47 to Station 99.99.92	79	2/11/1957
Maple St.	opening	Center line of Second St. at its southwest terminus to the east curb line of Main St.	53	6/14/1948
Maple St.	opening	Center line of Second St. at its southwest terminus on the east curb line of Main St.	54	6/14/1948
New St. (south side)	establishing	On the side of Tax Maple Parcel No. 37-2-50	170	1/10/1983
New St.	opening	Second St. to its northeast terminus on the east curb line of Main St.	54	6/14/1948
New St.	opening	Second St. to its northeast terminus on the east curb line of Main St.	53	6/14/1948
North Linda Ct.	establishing	Both sides	170	1/10/1983
North Main St.	establishing	Both sides	170	1/10/1983
North Linda Ct.	dedicating	As shown in Bucks County Office of the Recorder of Deeds in Plan Book 115, page 47A and 47B	161	1/14/1980

STREETS AND SIDEWALKS

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
Pennwood Dr.	opening	As described in Job No. 32092.08 of Cowen Associates.	224	7/10/2000
Richlandtown Turnpike	grading	Junction of the Quakertown and Richlandtown Turnpike Rd. with the Hellertown Rd.	5	7/26/1891
Richlandtown Turnpike	naming	Connection with Hellertown Rd. running north and south through the Borough to be known as Main St.	6	7/26/1891
Second St.	opening	Parallel to Main St. from southwest to northeast	54	6/14/1948
Second St. (west side)	establishing	In front of Tax Map Parcel Nos. 37-2-50, 37-2-52 and 37-2-53	170	1/10/1983
Second St.	opening	Parallel to Main St. from southwest to northeast	53	6/14/1948
South Linda Ct.	dedicating	As shown in Bucks County Office of the Recorder of Deeds in Plan Book 115, page 47A and 47B	161	1/14/1980
South Linda Ct.	establishing	Both sides	170	1/10/1983
South Main St.	establishing	Both sides	170	1/10/1983
Towne Court Dr.	establishing	Both sides	170	1/10/1983
Towne Ct. Dr.	dedicating	As shown in Bucks County Office of the Recorder of Deeds in Plan Book 115, page 47A and 47B.	161	1/14/1980
Union St.	opening		18	1/5/1903
Union St.	grading	Intersection of Union St. with Main St.	27	1/5/1914
Union St.	opening	Intersection of Main St. to the Borough line.	8	8/10/1891
W Union St.	accepting	As laid out on a plan of subdivision recorded in Bucks County Plan Book 275, page 24.	R.1995-8	11/13/1995
Walnut St.	grading	Main St. to First Ave.	59	8/14/1950
Walnut St.	opening	West from Main St. to First Ave.	58	8/14/1950

(APPENDIX H)

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
Walnut St.	accepting	As recorded in Bucks County Plan Book 244, page 26 &c.	R.7-9-1990A	
Walnut St.	opening	First Ave. and Westerly Borough line	76	9/10/1956
West Union St.	opening	Main St. west to the Borough line	53	6/14/1948
West Union St. (north side)	establishing	Main St. to First Ave.	170	1/10/1983
West Union St.	grading	Main St. west to the Borough line	54	6/14/1948



**APPENDIX I**

**WATER**

**Ord./Res.**

**Date**

**Description**





**APPENDIX J**  
**ZONING; PRIOR ORDINANCES**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
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**Borough of Richlandtown**

**KEY TO THE DISPOSITION OF ALL ORDINANCES**

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
1	Repealed by 85	Streets and Sidewalks
2	Repealed by A.O.	
3	Missing	
4	Superseded by A.O.	Animals
5	Appendix H	Streets and Sidewalks
6	Appendix H	Streets and Sidewalks
7	Appendix H	Streets and Sidewalks
8	Appendix H	Streets and Sidewalks
9	Appendix H	Streets and Sidewalks
10	Superseded by 130	Sewers and Sewage Disposal
11	Repealed by 85	Streets and Sidewalks
12	Appendix C	Franchises and Services
13	Appendix H	Streets and Sidewalks
14	Repealed by 185	
15	Repealed by 185	
16	Appendix C	Franchises and Services
17	Repealed by 72	
18	Appendix H	Streets and Sidewalks
19	Appendix H	Streets and Sidewalks
20	Repealed by A.O.	
21	Appendix H	Streets and Sidewalks
22	Appendix B	Bond Issues and Loans
23	Repealed by 85	Streets and Sidewalks
24	Appendix H	Streets and Sidewalks
25	Repealed by 85	Streets and Sidewalks
26	Appendix C	Franchises and Services
27	Appendix H	Streets and Sidewalks
28	Appendix C	Franchises and Services
29	Superseded by A.O.	Motor Vehicles and Traffic

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
30	Appendix C	Franchises and Services
31	Appendix C	Franchises and Services
32	Appendix C	Franchises and Services
33	Repealed by A.O.	Buildings
34	Not Codified	
35	Appendix C	Franchises and Services
36	Missing	
37	§§26-101-26-110	Water
38	Appendix C	Franchises and Services
39	Tax Rate 1939	
40	Tax Rate 1940	
41	§26-112	Water
42	Tax Rate 1941	
43	Tax Rate 1942	
44	Tax Rate 1943	
45	Tax Rate 1944	
46	Missing	
47	Tax Rate 1945	
48	Tax Rate 1948	
49	Tax Rate 1947	
50	Tax Rate 1948	
51	§26-102	Water
52	Superseded by A.O.	Motor Vehicles and Traffic
53	Appendix H	Streets and Sidewalks
54	Appendix H	Streets and Sidewalks
55	Appendix C	Franchises and Services
56	Tax Rate 1949	
57	Tax Rate 1950	
58	Appendix H	Streets and Sidewalks
59	Appendix H	Streets and Sidewalks
60	Tax Rate 1951	
61	Tax Rate 1952	

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
62	§26-103	Water
63	Appendix D	Governmental and Intergovernmental Affairs
64	Tax Rate 1953	
65	§26-112	Water
66	Realty Transfer Tax 1954	Taxation; Special
67	Tax Rate 1954	
68	Superseded by A.O.	Motor Vehicles and Traffic
69	Realty Transfer Tax 1955	Taxation; Special
70	Tax Rate 1955	
71	Appendix D	Governmental and Intergovernmental Affairs
72	Repealed 17	
73	Appendix C	Franchises and Services
74	Realty Transfer Tax 1956	Taxation; Special
75	Tax Rate 1956	
76	Appendix H	Streets and Sidewalks
77	Realty Transfer Tax 1957	Taxation; Special
78	Tax Rate 1957	
79	Appendix H	Streets and Sidewalks
80	Superseded by A.O.	Motor Vehicles and Traffic
81	Realty Transfer Tax 1958	Taxation; Special
82	Tax Rate 1958	
83	Realty Transfer Tax 1959	Taxation; Special
84	Tax Rate 1959	
85	§§21-101-21-106	Streets and Sidewalks
86	Realty Transfer Tax 1960	Taxation; Special
87	Tax Rate 1960	
88	Realty Transfer Tax 1961	Taxation; Special
89	Earned Income and Net Profits Tax 1961	Taxation; Special
90	Tax Rate 1961	
91	Realty Transfer Tax 1962	Taxation; Special

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
92	Earned Income and Net Profits Tax 1962	Taxation; Special
93	Tax Rate 1962	
94	Realty Transfer Tax 1963	Taxation; Special
95	Earned Income and Net Profits Tax 1963	Taxation; Special
96	Tax Rate 1963	
97	Realty Transfer Tax 1964	Taxation; Special
98	Earned Income and Net Profits Tax 1964	Taxation; Special
99	Tax Rate 1964	
100	Realty Transfer Tax 1965	Taxation; Special
101	Earned Income and Net Profits Tax 1965	Taxation; Special
102	Tax Rate 1965	
103	Realty Transfer Tax 1966	Taxation; Special
104	Earned Income and Net Profits Tax 1966	Taxation; Special
105	Tax Rate 1966	
106	Earned Income and Net Profits Tax 1967	Taxation; Special
107	Realty Transfer Tax 1967	Taxation; Special
108	Per Capita Tax 1967	Taxation; Special
109	Tax Rate 1967	
110	Realty Transfer Tax 1968	Taxation; Special
111	Per Capita Tax 1968	Taxation; Special
112	Tax Rate 1967	
113	Realty Transfer Tax 1969	Taxation; Special
114	Per Capita Tax 1969	Taxation; Special
115	Tax Rate 1968	
116	Realty Transfer Tax 1970	Taxation; Special
117	Per Capita Tax 1970	Taxation; Special
118	Tax Rate 1969	
119	Realty Transfer Tax 1971	Taxation; Special

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
120	Repealed by A.O.	
121	Tax Rate 1970	
122	Appendix C	Franchises and Services
123	§1-101	Administration and Govern- ment
124	Repealed by 182	Taxation; Special
125	Repealed by A.O.	
126	Tax Rate 1972	
127	Appendix G	Sewers
128	§§27-100-27-1400	Zoning
5/8/1972	§§21-201-21-212	Streets and Sidewalks
129	Missing	
130	Superseded by 174	Sewers and Sewage Disposal
131	Repealed by 166	Taxation; Special
132	Tax Rate 1973	
133	Repealed by 5/8/1978	Zoning
134	§§5-201-5-227	Code Enforcement
135	Repealed by 154	
136	Tax Rate 1974	
137	Superseded by 142	Code Enforcement
138	Per Capita Tax; Realty Transfer Tax Discount 1975	Taxation; Special
139	Tax Rate 1975	
140	§26-112	Water
141	Superseded by 162	Water
142	Repealed by 197	Code Enforcement
143	Tax Rate 1976	
144	Appendix D	Governmental and Intergov- ernmental Affairs
145	Appendix H	Streets and Sidewalks
146	Appendix B	Bond Issues and Loans
147	Tax Rate 1977	
148	Superseded by 157	

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
149	§§10-101-10-106	Health and Safety
150	Tax Rate 1978	
151	Appendix B	Bond Issues and Loans
152	Repealed by 183	Zoning
153	Appendix C	Franchises and Services
154	Repealed by 181	Water
155	Tax Rate 1979	
156	Appendix B	Bond Issues and Loans
157	§§22-101-22-1003	Subdivision and Land Development
158	§§21-301-21-308	Streets and Sidewalks
159	Superseded by A.O.	
160	Tax Rate 1980	
161	Appendix H	Streets and Sidewalks
162		Water
163		Zoning
164	Repealed by 197	Code Enforcement
165	Tax Rate 1981	
166	Repealed by A.O.	Taxation; Special
167	Appendix D	Governmental and Intergovernmental Affairs
168	Tax Rate 1982	
169	§§21-101, 21-102	Streets and Sidewalks
170	Appendix H	Streets and Sidewalks
171	Tax Rate 1983	
172	Tax Rate 1984	
173	§5-201	Code Enforcement
174	Repealed by 204	Sewers and Sewage Disposal
175	Superseded by A.O.	Motor Vehicles and Traffic
176	Tax Rate 1985	
177	Tax Rate 1986	
178	§22-701	Subdivision and Land Development



<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
179	Repealed by 216	Water
180	Tax Rate 1987	
181	Repealed by 193	
182	§§301-24-318	Taxation; Special
183	§§27-404, 27-500	Zoning
184	Tax Rate 1988	
185	Appendix D	Governmental and Intergovernmental Affairs
186	Repealed by 232	Zoning
187	Tax Rate 1989	
188	Appendix D	Governmental and Intergovernmental Affairs
189	Repealed by 197	Code Enforcement
190	§27-802	Zoning
191	§22-517	Subdivision and Land Development
192	Tax Rate 1990	
193	Repealed by 195	
194	§§11-101-11-105	Housing
195	Repealed by 216	Water
196	Tax Rate 1991	
197	§§5-101-5-102	Code Enforcement
198	§§5-301-5-305	Code Enforcement
199	Appendix D	Governmental and Intergovernmental Affairs
200	Tax Rate 1992	
201	§§22-302, 22-523	Subdivision and Land Development
202	§§20-101-20-109	Solid Waste
203	§§27-200, 27-610	Zoning
204	Repealed by 213	
205	Tax Rate 1993	
206	§§7-101-7-108	Fire Prevention and Fire Protection

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
207	Tax Rate 1994	
208	§§10-201-10-208	Health and Safety
209	Tax Rate 1995	
210	§27-609	Zoning
211	Tax Rate 1996	
212	Appendix D	Governmental and Intergovernmental Affairs
213	Repealed by 236	
214	Tax Rate 1997	
215		Water
216	Repealed by 242	Fees: water
217	§§5-401-5-407	Code Enforcement
218	Tax Rate 1998	
219	Appendix C	Franchises and Services
220	Tax Rate 1999	
221	Superseded by A.O.	Motor Vehicles and Traffic
222	Tax Rate 2000	
223	Superseded by A.O.	Water
224	Appendix H	Streets and Sidewalks
225	Superseded by 238	
226	§§22-522,22-524, 22-525, 22-526	Subdivision and Land Development
227	Superseded by A.O.	Motor Vehicles and Traffic
228	Tax Rate 2001	
229	Superseded by A.O.	Motor Vehicles and Traffic
230	§§13-201-13-204	Zoning
231	§5-102	Code Enforcement
232	§§27-200, 27-510, 27-521,	Licenses, Permits and General Business Regulations
233	§§13-203, 13-204	Licenses, Permits and General Business Regulations
234	Tax Rate 2002	
235	Repealed by 236	Sewers and Sewage Disposal

<b>Ordinance</b>	<b>Disposition</b>	<b>Subject</b>
236	§§18-101-18-106	Sewers and Sewage Disposal
237	Tax Rate 2003	
238	§§26-201-26-276	Water
239	§§24-201-24-211	Taxation; Special
240	Tax Rate 2004	
241	§§5-501-5-510	Code Enforcement
242	New legislation pending; see Fee Schedule	Fees: water
243	§§5-601-5-602	Code Enforcement



**Borough of Richlandtown**

**KEY TO THE DISPOSITION OF ALL RESOLUTIONS**

<b>Resolution</b>	<b>Disposition</b>	<b>Subject</b>
2/7/1972	Appendix D	Governmental Affairs
11/6/1978	Appendix D	Governmental Affairs
12/11/1978	Tax Reenactment	
2/12/1979	Appendix D	Governmental Affairs
4/9/1979	Appendix D	Governmental Affairs
1980-5	Tax Reenactment	
2/11/1980	Appendix D	Governmental Affairs
5/12/1980	Superseded, new legisla- tion pending	Fee Schedule
1981-1	Appendix D	Governmental Affairs
1981-3	Appendix D	Governmental Affairs
1981-5	Superseded, new legisla- tion pending	Fee Resolution
1981-6	Appendix D	Governmental Affairs
1981-7	Tax Reenactment	
1982-1	Appendix D	Governmental Affairs
7/12/1982	Appendix D	Governmental Affairs
1982-3	Tax Reenactment	
1983-2	Appendix D	Governmental Affairs
1983-3	Appendix D	Governmental Affairs
1983-4	Appendix D	Governmental Affairs
1983-5	Appendix D	Governmental Affairs
1983-6	Appendix D	Governmental Affairs
1983-7	Appendix D	Governmental Affairs
1984-1	Appendix D	Governmental Affairs
1984-2	Appendix D	Governmental Affairs
1984-3	Appendix D	Governmental Affairs
1984-5	Tax Reenactment	
1985-1	Tax Reenactment	

<b>Resolution</b>	<b>Disposition</b>	<b>Subject</b>
6/10/1985	Appendix D	Governmental Affairs
1986-1	Appendix D	Governmental Affairs
1986-3	Tax Reenactment	
1987-1	Tax Reenactment	
4/13/1987	Appendix D	Governmental Affairs
1988-1	Tax Reenactment	
4/11/1988	Appendix B	Bond Issues and Loans
4/30/1988	Appendix D	Governmental Affairs
8/8/1988	Appendix D	Governmental Affairs
10/10/1988	Appendix D	Governmental Affairs
11/14/1988	Appendix C	Franchises and Services
12/12/1988	Appendix D	Governmental Affairs
3/2/1989	Appendix D	Governmental Affairs
1989-2	Tax Reenactment	
1990-1	Appendix D	Governmental Affairs
1990-2	Appendix D	Governmental Affairs
1990-3	Appendix D	Governmental Affairs
7/9/1990A	Appendix H	Streets and Sidewalks
1990-5	Appendix E	Plan Approval
1990-6	Appendix E	Plan Approval
1990-7	Appendix E	Plan Approval
1990-9	Tax Reenactment	
1990-10	Appendix D	Governmental Affairs
1991-1	Appendix D	Governmental Affairs
1991-2	Appendix D	Governmental Affairs
1991-4	Tax Reenactment	
1992-1	Appendix D	Governmental Affairs
1992-2	Appendix D	Governmental Affairs
1992-3	Appendix D	Governmental Affairs
1992-4	Appendix D	Governmental Affairs
1992-7	Appendix D	Governmental Affairs
1992-8	Tax Reenactment	

<b>Resolution</b>	<b>Disposition</b>	<b>Subject</b>
1993-1	Appendix D	Governmental Affairs
1993-2	Appendix D	Governmental Affairs
1993-3	Tax Reenactment	
1993-5	Appendix E	Plan Approval
1993-6	Appendix D	Governmental Affairs
1994-1	Appendix D	Governmental Affairs
1994-2	Appendix D	Governmental Affairs
1994-3	Appendix D	Governmental Affairs
1995-1	Superseded by 2001-02	Fee Resolution
1995-2	Appendix D	Governmental Affairs
1995-3	Appendix D	Governmental Affairs
1995-4		Administration and Govern- ment
1995-5	Appendix D	Governmental Affairs
1995-6	Appendix D	Governmental Affairs
1995-7	Appendix F	Public Property
1995-8	Appendix H	Streets and Sidewalks
1995-9	Budget 1996	
1996-1	Appendix C	Franchises and Services
1996-2	Appendix D	Governmental Affairs
1996-4	Appendix D	Governmental Affairs
1997-1	Repealed by Ord. 236	
1997-2	Appendix F	Public Property
1997-3	Appendix E	Plan Approval
1997-4	Appendix D	Governmental Affairs
1997-5	Superseded, new legisla- tion pending	Fee Schedule
1998-1	Superseded by 2005-1	Fee Schedule
1998-2	Appendix D	Governmental Affairs
1999-1	Appendix D	Governmental Affairs
1999-2	Appendix D	Governmental Affairs
1999-3	Appendix D	Governmental Affairs

<b>Resolution</b>	<b>Disposition</b>	<b>Subject</b>
1999-4	Appendix F	Public Property
1999-5	Appendix F	Public Property
2000-1	Superseded by 2001-2	Fee Schedule
2000-2	Appendix D	Governmental Affairs
2000-3	Appendix D	Governmental Affairs
2000-4	Appendix F	Public Property
2000-5	Appendix F	Public Property
2000-6	Superseded by 2005-1	Fee Schedule
2000-7	Appendix D	Governmental Affairs
2000-8	Superseded by 2005-1	Fee Schedule
2000-9	Appendix D	Governmental Affairs
2000-10	Appendix D	Governmental Affairs
2000-11	Appendix D	Governmental Affairs
2001-1	Superseded, new legisla- tion pending	Fee Schedule
2001-2	Superseded by 2003-1	Fee Schedule
2002-1	Appendix D	Governmental Affairs
2003-1	Superseded by 2005-1	Fee Schedule
2004-1	Appendix D	Governmental Affairs
2004-2	Appendix D	Governmental Affairs
2004-3	Appendix F	Public Property
2004-4	Appendix F	Public Property
2004-5	Appendix F	Public Property
2004-6	Budget 2005	
2004-7	Tax Reenactment	
2004-8	Tax Reenactment	
2005-1	Superseded, new legisla- tion pending	Fee Schedule
2005-2	Appendix D	Governmental Affairs
2005-3	Appendix D	Governmental Affairs
2005-4	Tax Reenactment	
2005-5	Budget 2006	



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