

ORDINANCE NO. 2004- 7

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF HILLTOWN, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Supervisors of the Township of Hilltown, County of Bucks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1601(d) [53 P.S. § 66601(d)] of the Second Class Township Code, the codification of a complete body of legislation for the Township of Hilltown, County of Bucks, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 160, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Hilltown, which shall be known and is hereby designated as the "Code of the Township of Hilltown," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of Hilltown, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Hilltown and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to 7-28-2003.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement, including, but not limited to, cable television franchises.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township, unless said fees are to be set by resolution of the Board of Supervisors.
- S. Ordinance No. 99-9, or any other relevant legislation, which adopts construction codes by reference to be in force and effect in the Township.
- T. Any ordinance enacting stop signs, parking restrictions, weight limits, or any other vehicle and traffic regulations in the Township.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had previously formally amended to read as such. All such changes and

revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. Nomenclature. Throughout the Code, any references to the following are updated to read as indicated:

- (1) “Justice of the Peace” or “District Magistrate” to “District Justice.”
- (2) “Department of Environmental Resources” or “DER” to “Department of Environmental Protection” or “DEP.”
- (3) “Department of Community Affairs” to “Department of Community and Economic Development.”

D. Fees. In the following sections, the specific fee amount(s) shall be removed and replaced with the provision that the fee shall be as set from time to time by resolution of the Board of Supervisors: §§ 92-2, 92-5, 124-11G(2), 143-27F and 160-78E(4).

E. Penalties.

- (1) Civil enforcement. Sections 143-37, 157-7 and 157-10 are amended or added, in whole or in part, to provide that the penalty provision shall be at the civil enforcement level, as follows: “Any person who violates or permits a violation of this [chapter/article] shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorney’s fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.”
- (2) Criminal enforcement. Sections 23-4, 42-9, 45-6, 56-6, 59-5B, 68-11A, 80-6, 92-10, 98-9, 103-15, 107-9, 110-3, 117-5, 120-6, 124-4, 124-20, 124-30, 129-12, 137-6, 143-28, 148-9, and 153-13A and B are added or amended, in whole or in part, to provide that the penalty provision shall be at the criminal enforcement level, as follows: “Any person who violates or permits a violation of this [chapter/article] shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this [chapter/article] that is violated shall also constitute a separate offense.”

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, 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 the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this

codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confirmed in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

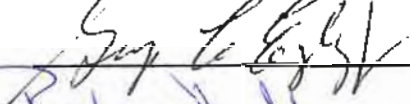
Hilltown, Twp.


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§ 1-15. Effective date.

All provisions of this Ordinance and of the Code shall be in force and effect on and after May 29, 2004.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS





Schedule A
(as referenced in § 1-6B)

Chapter 23, Park and Recreation Board.

Original Section 1.3, regarding the members serving on the Board under Ord. No. 79-7, is deleted.

Chapter 42, Alarms.

(1) Section 42-8 is amended to read as follows:

§ 42-8. False alarms; responsibility for costs.

A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300 pursuant to 18 Pa.C.S.A. § 7511.

(2) Original Article 9, Section 2, regarding penalties for false alarms, is deleted.

Chapter 45, Alcoholic Beverages.

(1) Section 45-2 is amended to add the following definitions:

INTENT TO CONSUME -- Includes any of the following:

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstances evidencing an intent to ultimately consume on any public lands without permission.

POSSESS -- Exercise of dominion over the container or beverage.

(2) Section 45-4 is amended to insert the phrase “with intent to consume” after both occurrences of the word “possess.”

Chapter 56, Buildings, Numbering of.

- (1) In § 56-1, the phrase “and as amended by Hilltown Township on July 24, 1989” is amended to read “and as subsequently amended by Hilltown Township.”
- (2) Section 56-3B is added to read as follows:

B. Notice of violation. The Board of Supervisors or any officer or employee of the Township designated thereby for the purpose is hereby authorized to give written notice, by personal service or by United States Mail, to the owner or occupant, as the case may be, of any premises whereupon the address identification number at the premises is not posted as required by the provisions of this chapter, directing and requiring such owner or occupant to post the address identification number so as to conform to the requirements of this chapter within 15 days after issuance of such notice. In case any owner, owners or occupants shall neglect, fail or refuse to comply with such notice within the period of time stated herein, the Township authorities may post a street number on the premises and collect the cost thereof, together with any additional penalty authorized by law, from such owner, owners or occupant in the manner provided by law.

Chapter 98, Moving Permits.

Section 98-2 is amended to replace the phrase “No fee shall be charged for any such permit” with “A fee as set from time to time by resolution of the Board of Supervisors shall be charged for such permit.”

Chapter 103, Nuisances.

- (1) The first sentence of § 103-2 is amended to insert the phrase “of reasonable sensibilities” immediately following “to the disturbance of any person.”
- (2) Section 103-5B is amended to replace the phrase “in the Hilltown Township Zoning Hearing Board” with “in Chapter 160, Zoning.”

Chapter 124, Sewers.

- (1) In Article I, Connections Required, the definition of “authority” in § 124-1 is amended to update the reference to “the Municipality Authorities Act of 1945” to read “the Municipality Authorities Act (53 Pa.C.S.A. § 5601 et seq.).”
- (2) In Article IV, the first sentence of the definition of “holding tank” is revised in part to read as follows: “A watertight receptacle which receives and retains sewage and is designed... .”

Chapter 134, Stormwater Management.

- (1) Section 134-3 is amended to replace the phrase “Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990 and Act 131 of 1992, 53 P.S. Section 10101” with the phrase “Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. § 10101 et seq.”

- (2) In § 134-8B, the definition of “floodplain” is amended to change the map date of “May 18, 1999” to “June 20, 2001.”

Chapter 137, Streets and Sidewalks.

In Article I, Construction, Excavations and Openings:

- (1) Section 137-3 is amended to change “in triplicate” to “in duplicate.”
- (2) The third sentence of § 137-5 is amended to read in part “If the applicant shall fail to rectify a defect which presents an immediate or imminent safety or health problem within 48 hours or any other defect within 60 days after written notice...”

Chapter 140, Subdivision and Land Development.

- (1) In § 140-6, Definitions:
 - (a) The definition of “municipal authority” is amended to add the following to the end thereof: “or created pursuant to the current provisions of the Municipality Authorities Act (53 Pa.C.S.A. § 5601 et seq.).”
 - (b) The definition of “public meeting” is amended to read as follows:

PUBLIC MEETING – A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), known as the “Sunshine Act” (65 Pa.C.S.A. § 701 et seq.).
- (2) Section 140-10B is amended to change the reference to “Section 502(1)(a)” of the Zoning Ordinance to “Note 1 under the Table of Performance Standards: Bulk and Area.”
- (3) Section 140-44A is amended to read as follows: “Any existing monument, iron pipe, pin, or marker determined and identified to be existing or found on property corners are to remain undisturbed.”

Chapter 143, Taxation.

- (1) In Article III, Amusement Tax, § 143-20, Definitions:
 - (a) The definition of “admission” is revised to change “72 P.S. § 7161 et seq.” to “72 P.S. § 7101 et seq.”
 - (b) The definition of “amusement” is amended to add the following to the end thereof: “and health, fitness and weight-loss establishments pursuant to 53 P.S. § 6902(13).”
- (2) Article VI, Realty Transfer Tax, is adopted to read as follows:

ARTICLE VI
Realty Transfer Tax

§ 143-45. Title.

This article shall be known as the “Realty Transfer Tax Ordinance of Hilltown Township.”

§ 143-46. 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 Hilltown Township, 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.

§ 143-47. Definitions.

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

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.

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.

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 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 § 143-46 of this article.

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 include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. 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.

FAMILY FARM PARTNERSHIP — A partnership of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. 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.
- E. Manufacturing or processing operations of any kind.

LIVING TRUST — Any trust, other than a business trust, intended as a will substitute by the settlor which becomes effective during the lifetime of the settlor, but from which trust distributions cannot be made to any beneficiaries other than the settlor prior to the death of the settlor.

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.

ORDINARY TRUST — Any trust, other than a business trust or a living trust, which takes effect during the lifetime of the settlor and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving it until distribution to the named beneficiaries of the trust. An ordinary trust does not include a trust that has an objective to carry on business and divide gains, nor does it either expressly or impliedly have any of the following features: the treatment of beneficiaries as associates, the treatment of the interests in the trust as personal property, the free transferability of beneficial interests in the trust, centralized management by the trustee or the beneficiaries, or continuity of life.

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. All lands, tenements or hereditaments within Hilltown Township 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 or 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 therefor, 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 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 ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- 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 executor 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 principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 143-48. Imposition of tax; interest.

- A. 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, 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.
- B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
- C. It is the intent of this article 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 tax levied by Hilltown Township under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of Hilltown Township, provided, however, that Hilltown Township and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.
- D. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

§ 143-49. Exempt parties.

The United States, the commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this article. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 143-50. Excluded transactions.

- A. The tax imposed by section shall not be imposed upon:
- (1) A transfer to the commonwealth, 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 owner 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.

- (2) A document which Hilltown Township is prohibited from taxing under the Constitution or statutes of the United States.
- (3) 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.
- (4) 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.
- (5) A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- (6) 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.
- (7) 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.
- (8) 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 that are entitled to receive the property or proceeds from the sale of the property under the trust, whether or not such beneficiaries are contingent or specifically named. A trust clause which identifies the contingent beneficiaries by reference to the heirs of the trust settlor as determined by the laws of the intestate succession shall not disqualify a transfer from the exclusion provided by this clause. 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.
- (9) A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the living trust instrument.
- (10) A transfer for no or nominal actual consideration from a trustee of an ordinary trust to a specifically named beneficiary that is entitled to receive the property

under the recorded trust instrument or to a contingent beneficiary where the transfer of the same property would be exempt if the transfer was made by the grantor of the property into the trust to that beneficiary. However, any transfer of real estate from a living trust during the settlor's lifetime shall be considered for the purposes of this article as if such transfer were made directly from the settlor to the grantee.

- (11) A transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.
- (12) A transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.
- (13) A transfer for no or nominal actual consideration from trustee to successor trustee.
- (14) 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 article. Where the document by which title is acquired by a grantee or agreement 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 clause.
- (15) 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 article.
- (16) 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.
- (17) 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 or the grantee or a transfer to a nonprofit industrial development agency or authority.
- (18) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
 - (a) 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

- (b) The agency or authority has the full ownership interest in the real estate transferred.
- (19) 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.
- (20) 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 transfer or for commercial purposes.
- (21) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 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; or a transfer from such a conservancy to the United States, the commonwealth or to any of their instrumentalities, agencies or political subdivisions; or any transfer from such a conservancy where the real estate is encumbered by a perpetual agricultural conservation easement as defined by the act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," and such conservancy has owned the real estate for at least two years immediately prior to the transfer.
- (22) 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.
- (23) A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family, which family directly owns at least 75% of the interests in the partnership.
- (24) A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.
- (25) A transaction wherein the tax due is \$1 or less.
- (26) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.
- B. In order to exercise any exclusion 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 article.

§ 143-51. Documents relating to associations or corporations.

Except as otherwise provided in § 143-50, 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.

§ 143-52. Acquired company.

- A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does 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.
- B. 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 article.
- C. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm partnership or when, because of transfer of partnership interests 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 partnership under this article.
- D. 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 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.

§ 143-53. Credits against tax.

- A. 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.
- B. Where there is a transfer by a builder of 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.
- C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
- D. 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.

- E. 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 of tax due, no refund or carryover credit shall be allowed.

§ 143-54. 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.

§ 143-55. Proceeds of judicial sale.

The tax herein imposed shall be fully paid, and have priority out of the proceeds or 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.

§ 143-56. Duties of Recorder of Deeds.

- A. 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 Hilltown Township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from Hilltown Township.
- B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- C. On or before the 10th of each month, the Recorder shall pay over to Hilltown Township all local realty transfer taxes collected, less 2% for 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 two-percent commission shall be paid to the county.
- D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder 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.

§ 143-57. 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 article. 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 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 article.

§ 143-58. Civil penalties.

- A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
- B. In the case of failure to record a declaration required under this article on the date prescribed therefor, 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.

§ 143-59. Tax to become lien.

The tax imposed by this article shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of Hilltown Township, 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 article, said lien to begin at the time when the tax under this article 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.

§ 143-60. Enforcement.

All taxes imposed by this article, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 143-61. Incorporation of regulations.

The Township Board of Supervisors of Hilltown Township is charged with enforcement and collection of the tax and is empowered to regulate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this article.

Chapter 153, Vehicles and Traffic.

Article I, General Regulations and Speed Limits, is adopted to read as follows:

ARTICLE I

General Regulations and Speed Limits

§ 153-1. Definitions and interpretation.

- A. Words and phrases, when used in this article, except for sections 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. (the Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this article 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.
- B. The term “legal holidays,” as used in this article, shall mean and include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- C. In this article, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 153-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Township of Hilltown.

§ 153-3. Temporary and emergency regulations.

- A. The Hilltown Township Chief of Police shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
 - (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
 - (2) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
- B. These temporary and emergency regulations shall be enforced by the Hilltown Township Police Department in the same manner as permanent regulations. Any person who drives or parks a vehicle 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 liable to the penalty set forth in the law or elsewhere in this article for a violation of such nature.

§ 153-4. Experimental regulations.

- A. The Board of Supervisors of Hilltown Township may, from time to time, designate places upon and along the streets in the municipality 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 those locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this article. No person shall drive or park a vehicle in violation of any such regulation, prohibition or restriction, 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 violates any provision of this section shall, upon conviction, be liable to the penalty set out in the law or elsewhere in this article for a violation of such nature.

- B. 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 Township of Hilltown relative to traffic and parking.

§ 153-5. Streets closed or restricted for construction, maintenance or special events.

- A. The Hilltown Township Chief of Police 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.
- B. The Hilltown Township Chief of Police 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.

§ 153-6. Authority of police officers.

The police shall have authority to direct traffic on the streets in the Township of Hilltown, at intersections in public and in other places where the Vehicle Code or this article applies.

§ 153-7. Speed limits established.

The speed limit for both directions of traffic along the streets or parts thereof described in this section is hereby established at the rate of speed indicated in said schedule. It shall be unlawful for any person to drive a vehicle at a higher speed than the maximum prescribed for that street or part of a street.

Name of Street	Limit (mph)	Location
Audrey Lane (T-449)	25	Entire length
Beverly Road (T-450)	25	Entire length
Blooming Glen Road	45	From its intersection with Minsi Trail northward to its intersection with the East Rockhill Township-Hilltown Township boundary line
Briarwood Drive	25	Entire length
Brinkley Drive	25	Entire length
Brittany Lane (T-474)	25	Entire length
Broad Street	45	From its intersection with Upper Church Road to its terminus at Route 313
Broad Street	35	From its terminus at Hilltown Pike to the intersection of Upper Church Road
Callowhill Street	35	Between the Hilltown Township line and South Perkasia Road
Central Avenue	25	Between County Line Road and

		eastwardly for 1,500 feet on Central Avenue
Central Avenue (T-403)	35	Between Bethlehem Pike (SR-4085) and Rosewood Drive (T-477)
Central Avenue (T-403)	25	Between Rosewood Drive (T-477) and Telford Borough boundary line and/or County Line Road (SL-4027)
Conestoga Way	20	From Summit Street to Reliance Road
County Line Road	40	From Cherry Lane to East Central Avenue
East Summit Street (T-427B)	35	Between the intersection of Reliance Road (T-404) and Washington Avenue (T-420) (Telford Borough line)
Fairhill School Road (T-401)	40	Entire length
Gentry Drive	25	Entire length
Green Street	40	Entire length
Highview Road (T-405)	35	Entire length
Keystone Drive	35	Entire length
Maron Road (T-418)	35	Entire length
Middle Road	35	Between the point where Middle Road exits from Dublin Borough to where it, as Township Road 415, intersects with Township Road 413, also known as "Broad Street"
Morgan Lane (T-472)	25	Entire length
Narothyn Road	35	From its intersection with Diamond Street to its terminus at Schoolhouse Road
Nobel Drive	25	Entire length
Orchard Road	35	From its intersection with Keystone Drive to its terminus at Walnut Street
Reliance Road	35	Between the Telford Borough line and Old Route 309
Schultz Road	35	Entire length
Schwenk Mill Road (Township Road 362)	35	Between the boundary of East Rockhill Township and the intersection of Schwenk Mill Road and Old Bethlehem Pike
Schoolhouse Road	35	Entire length
Seven Corner Road	35	Entire length
Skunkhollow Road	35	Entire length from Callowhill Road to its terminus at Route 152
Sterling Drive	25	Entire length
Stump Road	30	From the Callowhill Road intersection west to the terminus with Route 152
Telegraph Road	35	Entire length
Township Line Road	30	From its terminus at Route 152 westward to the intersection of Chalfont Road
Township Line Road	45	From its intersection at Chalfont Road

		westward to its terminus at Hilltown Pike
Traffic Route 113	40	For a distance of 3,000 feet on either side of Blooming Glen Road
Twin Brook Road (T-356)	35	Entire length
Upper Church Road	35	Entire length
Upper Stump Road	45	Entire length
Victoria Lane (T-473)	25	Entire length

§ 153-8. Violations and penalties.

Any person violating regulations as set forth herein shall be prosecuted under the Pennsylvania Motor Vehicle Code (PMVC), and shall be subject to the fines and penalties therein set forth.

Chapter 157, Water.

- (1) In Article I, Public and Private Water Systems, Original Section 3, Water conservation requirements, is deleted.
- (2) In Article II, Water Conservation, the definition of “consumer” in § 157-8 is amended to replace the phrase “to whom water is supplied by the Authority” with “to whom water is supplied by a third party.”

Chapter 160, Zoning.

- (1) In § 160-11, Definitions:
 - (a) The definition of “application for development” is revised to change “or the approval of a subdivision plot or plan or for the approval of a land development plan” to “for the approval of a subdivision plat or plan or for the approval of a development plan.”
 - (b) The definition of “Board of Supervisors” is amended to correct the reference to Article V of the Municipalities Planning Code to refer to Article VI.
 - (c) The definition of “family” is amended to read as follows:

FAMILY – One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit 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.
 - (d) The definition of “impact analysis” is amended to delete the phrase “community impact study and.”
 - (e) The definition of “open space, common” is amended to read as follows:

OPEN SPACE, COMMON – 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.

(c) The definition of “public meeting” is amended to read as follows:

PUBLIC MEETING – A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), known as the “Sunshine Act” (65 Pa.C.S.A. § 701 et seq.).

(2) Section 160-14 is amended to delete the phrase “The zoning map is inserted between page 37 and page 38.”

(3) Section 160-22 is amended to read as follows:

§ 160-22. Table of Use Regulations.

The Table of Use Regulations is included at the end of this chapter.

(4) In § 160-23, Subsection A(6) is amended to change all occurrences of “dogs” to “dogs, cats or other domestic pets,” and Subsection I(9) is amended to change “dogs or cats” to “dogs, cats or other domestic pets.”

(5) Section 160-44N(6) is amended to revise the reference to “the Pennsylvania Solid Waste Management Act, 35 P.S. 6001 et seq.” to read “the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq.”

(6) Original Section 712.4, establishing a billboard tax, is deleted.

(7) In § 160-118, the definition of “construction” is amended to delete the phrase “As applied to Appendix ‘A.’”

(8) Section 160-26 is amended to replace the map date of “May 18, 1999” with “June 20, 2001.”