

HILLTOWN TOWNSHIP ORDINANCE NO. 88 - /

AN ORDINANCE OF HILLTOWN TOWNSHIP ADOPTING A BUILDING CODE TO GOVERN THE CONSTRUCTION, ALTERATION, EQUIPMENT, REPAIR, DEMOLITION, REMOVAL, CONVERSION, USE AND MAINTENANCE OF BUILDINGS AND STRUCTURES AND TO PROVIDE FOR ISSUANCE OF PERMITS, COLLECTION OF FEES, INSPECTIONS, AND PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF HILLTOWN TOWNSHIP AS FOLLOWS:

SECTION I. Adoption of Building Code - Hilltown Township hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits, and penalties, the building code known as the "BOCA Basic Building Code, 1987, Tenth Edition," and the additional building code known as the "CABO One and Two Family Dwelling Code, 1986 Edition," save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set forth at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures, and in all other subjects therein contained, within Hilltown Township.

SECTION II. Amendments Made in Building Code The building code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appear in brackets therein;

Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

2. Section 109.1 is hereby amended to read as follows:

109.1 Building Inspector - The office of Building Inspector is hereby created and the executive official in charge shall be known as the Building Inspector.

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

109.2 Appointment - The Building Inspector shall be appointed by the Board of Supervisors of Hilltown Township. His appointment shall continue during good behavior and satisfactory service.

4. Section 109.4 is hereby amended to read as follows:

109.4 Deputy - During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.

5. Section 111.6 is amended to add Sections 111.6.1, 111.6.2 and 111.6.3 as follows:

SECTION 111.6.1 Erosion and Sedimentation Control Plan:

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 conform to the standards and specifications of the Bucks County Conservation District. At a minimum, the following measures shall be included where applicable:

a. Stripping of vegetation, regrading, or other activities shall be done in a way that will minimize erosion and resulting sedimentation.

- 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.
- d. The disturbed earthen area and the duration of exposure shall be kept to a practical minimum, but shall not exceed twenty (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 located 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 haybales staked.
- j. Tire cleaning areas constructed of PennDot #4 stone and at least fifty (50) feet in length shall be provided at each point of access to the lot.
- 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 Township at the owner's expense.

SECTION 111.6.2 Grading Plans:

Applications for building permits wherein excavation, placement of fill and/or grading activities are proposed on any residential lot less than 50,000 square feet in area; all non-residential applications; and all applications for any residential lot where, in the opinion of the Building Inspector, lot features such as slope, soils, or other natural features require special consideration of on-lot grading; shall be accompanied by a site plan providing the following information:

a. A plot plan prepared by an engineer or surveyor licensed in the Commonwealth of Pennsylvania showing the proposed and existing topography of the site; all existing improvements to the site; dimensions, first floor elevations, and setbacks from property lines for all existing and proposed buildings; and location of all existing and proposed wells, waterlines, utility lines, septic systems, sewerlines, stormsewers, sump pump drains, easements, trees to be removed, trees to remain, etc. The plan shall bear the imprint of the responsible licensed engineer or surveyor.

b. Plot plans shall include sufficient off-site topographic information to determine the impact of any off-site runoff draining onto or through the property.

c. A statement signing and sealed by a licensed engineer indicating that, to the best of his/her knowledge and belief, the proposed grading activities shall not significantly increase runoff to, and/or otherwise adversely impact, downstream properties except as may be part of an approved stormwater runoff collection and management plan.

SECTION 111.6.3 Site Plan Review:

The site plan shall be reviewed by the Building Inspector and shall conform in every respect to the approved subdivision and/or land development plan for the site. If, in the opinion of the Building Inspector, the proposed grading activities do not conform to previously approved plans, the application shall be referred to the Township Engineer for review.

In the event the Township Engineer determines that the proposed grading activities do not conform to previously approved drawings, issuance of the building permit shall not occur unless and until the revised grading plan is reviewed and approved by the Board of Supervisors.

6. Section 113.0 Conditions of Permit is hereby amended to add the following subsections:

SECTION 113.6 First Floor Certification:

Prior to approval to commence with construction of any new dwelling or non-residential building; the owner/builder shall submit certification that the first floor elevation of the proposed structure conforms to the site plan. The certification shall be submitted to the Township Building Inspector on a form approved by the Township.

SECTION 113.7 General Grading Requirements:

All building construction wherein excavation, placement of fill, and/or grading activities are performed shall conform to the following general requirements:

a. No excavation or fill shall be made with a face steeper than three (3) horizontal to one (1) vertical, except under one 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 civil engineer licensed in the Commonwealth of Pennsylvania and experienced in erosion control shall be submitted to the

Building Inspector. 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 constructed in accordance with approved standards is provided to support the face of the excavation or fill.

b. Edges of slopes shall be a minimum of five (5) 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.

c. Adequate provision shall be made to prevent surface water from damaging the cut face of excavation and the sloping surfaces of fills.

d. 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 water course without having obtained prior approval from the Township and/or Department of Environmental Resources, whichever is applicable.

e. 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 basins, swales, etc.) is part of the stormwater management plan for the site.

f. Concentration of surface water run-off shall be permitted only in swales, watercourses, or detention basins.

g. All plans wherein a sump pump or basement drain is proposed to be installed, shall provide for discharge of the sump pump/drain to a natural watercourse, drainage swale, stormwater easement, or storm sewer system.

h. Each person, corporation, or other entity which makes any surface changes shall be required to:

1. Collect on-site surface runoff and control it to a point of discharge into the natural water course of the drainage area, stormwater easement, or storm sewer system.

2. Control existing off-site runoff draining through the property by designing it to discharge to the natural water course of the drainage area, stormwater easement, or storm sewer system.

i. In no case shall grading be done in such a manner as to divert water onto the property of another land owner unless part of a stormwater management plan.

j. During grading operations, necessary measures for dust control must be exercised.

k. No grading equipment shall be permitted to be loaded and/or unloaded on a public street, and no grading equipment shall be permitted to travel on or across a public street unless licensed for operation on public thoroughfares.

l. Grading equipment shall not be permitted to cross live streams. Temporary crossings shall only be permitted where application is made, and approval received, from DER (where applicable) and Hilltown Township.

7. Section 113.8 is hereby added as follows:

SECTION 113.8 As-Built Drawings:

For all applications required to prepare a site plan in accordance with Section 111.6.2, "as-built" plans indicating compliance with the site plan shall be prepared by a licensed surveyor or engineer and submitted to the Township prior to issuance of a Use and Occupancy Permit. In the event the site grading does not conform to the approved site plan; the applicant shall either regrade the site to conform to the plan, or submit the as-built plan to the Township Supervisors

for review and approval. No Use and Occupancy of the structure constructed pursuant to the building permit shall be permitted until the final grading is approved by the Township.

8. Section 114.3.1 shall be amended to read as follows:

114.3.1 Fee Schedule - The fees charged by Hilltown Township for building-related activities in the issuance of permits shall be as established by Hilltown Township from time to time by separate resolution.

9. Section 117.4 shall be amended to read as follows:

117.4 Violation Penalties - Any person, copartnership or corporation violating any of the provisions of this ordinance or of the Building Code hereby adopted shall, upon summary proceedings brought in the name of the Township before any Justice of the Peace, be fined upon conviction in an amount not exceeding Six Hundred (\$600.00) Dollars, or in default thereof, be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

Whenever any such person specified in the paragraph above who violates this Ordinance or the Building Code will be issued a Cease and Desist form by the Building Inspector. The Cease and Desist form will list the violations and correction of the violation shall commence within five (5) days after notice and correct all violations within thirty (30) days of notice. If corrections are not commenced within five (5) days or completed within thirty (30) days, each day that a violation continues shall be considered a separate offense punishable by the like fine or penalty, and additional written notice shall not be necessary.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

10. Section 118.2 Unlawful Continuance - Any person who shall continue any work in or about the structure after having been served with a stop work order pursuant to this code or to any other ordinance of Hilltown Township, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not exceeding Six Hundred (\$600.00) Dollars, or in default thereof be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

11. Section 123.3 is hereby deleted.

12. Section 2906.1 is hereby amended to read as follows:

2906.1 Filing Bond - No person shall erect, install, remove, or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by Resolution.

SECTION III. State Law and Regulations - In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The Code shall control in all cases where the State requirements are not as strict as those contained in this Ordinance.

SECTION IV. Validity - The invalidity of any section or part of this Ordinance shall not affect the remaining sections.

SECTION V. Provisions to be Continuation of Existing Regulations - The provisions of this ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, not shall they affect any suit or prosecution pending or to

be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

SECTION VI. Exclusions - Exempted from the provisions of the code shall be accessory prefabricated buildings or structures which do not house people or animals and which are erected on site or delivered erected to the site and installed without masonry or pole type foundation below ground surface and not exceeding one hundred (100) square feet.

SECTION VII. Hearing - Every applicant and owner of the premise and other parties in interest shall have the right to demand in writing a hearing before the Board of Supervisors of Hilltown Township to contest any decision or order made by them. Such demand for a hearing shall be signed by the contesting party stating what portions of the Building Inspector's decision or orders are contested and his, or her, or their interest in the premises.

1. The Building Inspector shall fix a time and place for the hearing not less than ten (10) days nor more than thirty (30) days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises and other parties in interest.

2. The contestant, owner of the premises and other parties in interest shall have the right to appear in person, or otherwise, and give testimony at the hearing. Rules of evidence prevailing in the courts shall not be controlling.

3. The Board of Supervisors of Hilltown Township, within a reasonable time after such hearing, shall make their decision in writing with a finding of the facts and decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.

4. The decision of the Board of Supervisors of Hilltown Township shall be final.

SECTION VIII. Severability - If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses,

sections or parts of this ordinance. It is hereby declared as the intent of Hilltown Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION IX. Repealer - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

SECTION X. Effective Date - This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED AND ORDAINED this 22nd day of August, 1988 by the Board of Supervisors of Hilltown Township.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Robert H. All
Betty J. Kelly
John H. Bennett Jr.