

Code of Ordinances of the Township of Upper Makefield

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CODE OF ORDINANCES
of the
TOWNSHIP OF UPPER MAKEFIELD
Bucks County, Pennsylvania

Published by Authority of the Township

Adopted by Ordinance 186, December 6, 1995

Code originally published by:
PENNS VALLEY PUBLISHERS
(A Division of Fry Communications, Inc.)
Mechanicsburg, Pennsylvania

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KEYSTATE PUBLISHERS, INC.
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Township of Upper Makefield Code of Ordinances adopted and originally published by Penns Valley Publishers on December 6, 1995.

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4/19/2000

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2/19/2003

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OFFICIALS
of the
TOWNSHIP OF UPPER MAKEFIELD
County of Bucks
Pennsylvania

ELECTED OFFICIALS

BOARD OF SUPERVISORS

Chairman	-	Daniel Worden
Vice Chairman	-	Daniel Rattigan
	-	Robert West
	-	William Gunser, Jr.
	-	Dave Kulig
Tax Collector	-	Nicholas J. Ettore

APPOINTED OFFICIALS

Manager	-	Joseph Czajkowski
Secretary	-	Joseph Czajkowski
Code Enforcement Officer	-	David Kuhns
Solicitor	-	Grim, Biehn & Thatcher
Engineer	-	Larry Young, Gilmore & Associates
Police Chief	-	Mark Schmidt

FOREWORD

History

This comprises the recodification of the ordinances of the Township of Upper Makefield. The Township was originally settled in 1692 and was incorporated as a Township in 1737 from Makefield Township.

The Township of Upper Makefield Ordinances were originally codified by the Justinian Publishing Company and adpted by Ordinance No. 67 in September 18, 1979.

The Code of Ordinances of the Township of Upper Makefield was prepared by Penns Valley Publishers, a division of Fry Communications, Inc., and adopted by the Borough Council on December 6, 1995, by Ordinance Number 186.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Township of Upper Makefield 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 Township 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 Township 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, 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 Township and to the location within the Code of each ordinance by number.

ORDINANCE NO. 186

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MAKEFIELD, 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.

The Board of Supervisors hereby ordains:

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

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Chapter 1	Administration and Government
Chapter 2	Animals
Chapter 3.	Bicycles [Reserved]
Chapter 4.	Buildings
Chapter 5	Code Enforcement
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection [Reserved]
Chapter 8	Floodplains [Reserved]
Chapter 9	Grading and Excavating
Chapter 10	Health and Safety
Chapter 11	Housing [Reserved]
Chapter 12	Libraries [Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14.	Mobile Homes and Mobile Home Parks [Reserved]
Chapter 15	Motor Vehicles and Traffic
Chapter 16.	Parks and Recreation
Chapter 17.	Planned Residential Development [Reserved]
Chapter 18	Sewers and Sewage Disposal
Chapter 19	Signs [Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development
Chapter 23	Swimming Pools [Reserved]
Chapter 24	Taxation; Special
Chapter 25	Trees [Reserved]
Chapter 26	Water
Chapter 27	Zoning [Reserved]

APPENDIX

A Annexation of Territory
 B Bond Issues and Loans
 C Franchise 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

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 Township 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 "Township of Upper Makefield 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 Township of Upper Makefield 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 Township of Upper Makefield 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.

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
15, entire length	Motor Vehicles and Traffic	10, 15, 23, 40, 44, 49, 50, 66, 91, 93, 104, 112, 124, 131, 159, 162

B. Revisions.

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
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1, Part 8, §§801-803	Firemen's Relief Association	Res. 6/6/1949
2, Part 1, §§101-108	Prohibiting Dogs Running at Large	4
6, Part 1, §§101, 102	Disorderly Conduct	79

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.

<u>Chapter, Part, Section</u>	<u>Subject</u>
15, Entire length	Motor Vehicles and Traffic
24, 2, §§201-217	Realty Transfer Tax

B. Amendments.

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
1, 5, §501	Establishment of Police Department	12
1, 7, §701	Definitions	149, §1
5, 1, §102	File Copies	108
5, 1, §103	Amendments	108, 164, §II; 176, §II
5, 1, §104	Definitions	108; 154, §1
5, 1, §105	Conflict of Laws	108
5, 2, §202	File Copies	109
5, 2, §204	Definitions	109; 164, §VI
5, 2, §205	Conflict of Laws	109
13, 2, §202	Application	42, §3
13, 2, §207	Persons Exempted	42, §7
13, 3, §308	License Fee	36, §9
18, 1, §105	Right-of-Way	143, §105
18, 1, §132	Application Procedure	143, §402
18, 1, §133	Permit Issuance	143, §403
18, 1, §134	Application Requirements	143, §404

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
18, 1, §135	Community OLDS Plan Contents	143, §405
18, 1, §140	Construction Escrow/Performance Bond	143, §410
18, 1, §153	Appeal to Board of Supervisors of Upper Makefield Township	143, §503

C. Repeals.

<u>Ordinance or Resolution No.</u>	<u>Subject</u>
Ord. 2	Trailer Camps
Ord. 7	Curbs
Ord. 27	Roads
Ord. 31	Sidewalks
Ord. 34	Private Roads
Ord. 47	Private Swimming Pools
Ord. 48	Prohibiting Operation of Unregistered Motor Vehicles
Ord. 64	Prohibiting Operation of Unregistered Motor Vehicles
Ord. 72	Residential Construction Tax
Ord. 81	Swimming Pools
Ord. 126	Administrative Code

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:

<u>Chapter, Part, Section</u>	<u>Short Title</u>
(None)	

Section 7. Land Use Code Amendments. The Township of Upper Makefield 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 a part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, 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:

<u>Chapter, Part, Section</u>	<u>Subject</u>
None	

B. Revised Provisions. The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions by underline, and are summarized as follows:

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
None		

C. Repealed Provisions. The following provisions of the Code are repealed, the text of which is indicated by ~~strike-through~~ and are summarized as follows:

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance or Resolution No.</u>
22, 2, §203	Variances	53
22, 2, §204	Conditions of Variances, etc. Authorized	53

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Township of Upper Makefield 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 Township 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 Township Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Upper Makefield 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 Township. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Board of Supervisors 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 on this 6th
day of December, 1995.

TOWNSHIP OF UPPER MAKEFIELD

By: /s/ Rose Marie Sauter
Chairman of the Board

ATTEST:

By: /s/ Richard Gestrich
Secretary