

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING
CHAPTERS 5 (CODE ENFORCEMENT), 10 (HEALTH AND
SAFETY), 11 (HISTORIC DISTRICT), 18 (SEWERS AND
SEWAGE DISPOSAL), AND 26 (WATER)**

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), as amended, known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, Section 501 of the Pennsylvania Construction Code Act (35 P.S. § 7210.501) provides that the Board of Supervisors may, among other things, designate an employee to serve as the municipal code official to act on behalf of the municipality for administration and enforcement of the act and/or retain one or more construction code officials or third-party agencies to act on behalf of the municipality for administration and enforcement of the act;

WHEREAS, the proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens;

WHEREAS, the proposed amendments are geared toward clarifying the titles and roles of the of the Building Code Official and Zoning Officer, and correcting other inconsistencies; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. § 10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

- I. CHAPTER 5** of the Township Code of Ordinances is hereby **AMENDED** as follows:
 - A. AMEND** Section 5-103.1.A **STRIKE** the words “code official” and **REPLACE** it with “Building Code Official.”
 - B. AMEND** Section 5-103.1.B **STRIKE** the words “code officials” and **REPLACE** it with “Building Code Officials”

II. CHAPTER 10 of the Township Code of Ordinances is hereby **AMENDED** as follows:

- A. **AMEND** Section 10-106 to **STRIKE** the words “the Code Enforcement Officer(s),”

III. CHAPTER 11 of the Township Code of Ordinances is hereby **AMENDED** as follows:

- A. **AMEND** Section 11-104.1 to **STRIKE** the words “building inspector” and **REPLACE** with the words “building code official.”
- B. **AMEND** Section 11-104.1.D to **STRIKE** the words “building inspector” and **REPLACE** with the words “building code official.”
- C. **AMEND** Section 11-106 to **STRIKE** the words “Building Inspector” and **REPLACE** them with the words “Building Code Official.”
- D. **AMEND** Section 11-107 to **STRIKE** the words “Building Inspector” and **REPLACE** them with the words “Building Code Official.”
- E. **AMEND** Section 11-108 to **STRIKE** the words “Building Inspector” and **REPLACE** them with the words “Building Code Official.”
- F. **AMEND** Section 11-115 to **STRIKE** the words “Building Inspector” and **REPLACE** them with the words “Building Code Official.”

IV. CHAPTER 18 of the Township Code of Ordinances is hereby **AMENDED** as follows:

- A. **AMEND** Section 18-102 as follows:

- 1. **STRIKE** the words “Codes Enforcement Officer” and its definition
- 2. **ADD** the following definitions:

BUILDING CODE OFFICIAL

An individual or third-party employed by the Township responsible for administering and enforcing building code inspections and permitting under the Uniform Commercial Code and Township Ordinances.

ZONING OFFICER

A Township official/employee responsible for zoning and subdivision and land development functions as set out by the Municipalities Planning Code, the Zoning Code and the Subdivision and Land Development Ordinance, and for administering and enforcing Township Code of Ordinances.

- B. AMEND** Section 18-104.4 to **STRIKE** the words “Codes Enforcement Officer” and **REPLACE** them with “Building Code Official.”
- C. AMEND** Section 18-114.2 to **STRIKE** the words “codes enforcement officer” and **REPLACE** them with “Zoning Officer.”

V. CHAPTER 26 of the Township Code of Ordinances is hereby **AMENDED** as follows:

- A. AMEND** Section 26-201.3 to **STRIKE** the words “Code Official” and its definition and **REPLACE** it with the following:

ZONING OFFICER

A Township official/employee responsible for zoning and subdivision and land development functions as set out by the Municipalities Planning Code, the Zoning Code and the Subdivision and Land Development Ordinance, and for administering and enforcing Township Code of Ordinances.

- B. AMEND** Section 26-202.2.A(1)(b) to **STRIKE** the words “Township Code Official” and **REPLACE** with the words “Zoning Officer.”
- C. AMEND** Section 26-202.2.A(2)(c) to **STRIKE** the word “Township Code Official” and **REPLACE** with the words “Zoning Officer.”
- D. AMEND** Section 26-202.2.A(3)(c) to **STRIKE** the words “Township Code Official” and **REPLACE** with the words “Zoning Officer.”
- E. AMEND** Section 26-202.3.A to **STRIKE** the words “Township Code Official” from the sentence “An application for a well drilling permit shall be filed with the Township Code Official” and **REPLACE** with the words “Zoning Officer.”
- F. AMEND** Section 26-203.1.B(2) to **STRIKE** the words “Township Code Official” from the phrase “for in § 26-207 hereof, the Township Code Official shall issue the well utilization permit” and **REPLACE** with the words “Zoning Officer.”
- G. AMEND** Section 26-204.6 to **STRIKE** the words “Township Code Official” from the sentence “A copy of the water analysis shall be submitted to the Township Code Official” and **REPLACE** with the words “.”
- H. AMEND** Section 26-205.4.A to **STRIKE** the word “Township Code Official” from the phrase “The location of the observation well(s) shall require written approval of the Township Code Official” and **REPLACE** with the word “Zoning Officer.”

- I. **AMEND** Section 26-205.4.E to **STRIKE** the word “Township Code Official” and **REPLACE** with the word “Zoning Officer.”

VI. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

VII. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

VIII. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2021.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

John Francis, Vice-Chair

Noel Barrett, Member

Kevin Morrissey, Member

Robert A. McEwan, Member

Attest:

Catherine Cataldi, Township Secretary