

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 145-A

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF DECEMBER 2011, TO AMEND EXCLUSION 3.b IN THE DEFINITION OF “LAND DEVELOPMENT” AT SECTION 108.C TO CONFORM TO THE REQUIREMENTS OF THE MUNICIPALITIES PLANNING CODE; AND TO AMEND SECTION 208, TITLED “OFFER AND ACCEPTANCE OF DEDICATION” TO ADD A NEW SECTION 208.A.4 TO ESTABLISH DEVELOPER OBLIGATIONS WITH RESPECT TO THE REPAIR AND MAINTENANCE OF STREETS, INCLUDING SNOW AND ICE REMOVAL

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on December 19, 2011, the Board of Supervisors of Upper Saucon Township (hereinafter, “Supervisors”) enacted a comprehensive revision to the Township’s Subdivision and Land Development Ordinance (hereinafter, “SALDO”) by Ordinance No. 145; and

WHEREAS, Section 108.C of Ordinance No. 145 sets forth definitions for specific words and phrases, including a definition for the phrase “LAND DEVELOPMENT”; and

WHEREAS, the definition of “LAND DEVELOPMENT” is similar to that set forth in the Municipalities Planning Code (hereinafter, “MPC”); and

WHEREAS, both the SALDO (at Section 108.C) and the MPC [at Section 503(1.1)] set forth a list of activities which are excluded from the definition of “LAND DEVELOPMENT”; and

WHEREAS, the SALDO exclusion relating to accessory buildings does not conform exactly to the exclusion set forth in the MPC; and

WHEREAS, the Supervisors desire that the SALDO definition for “LAND DEVELOPMENT” and in particular, Sub-section 3.b, conform precisely to the MPC as relates to the exclusion for accessory buildings from the definition of “LAND DEVELOPMENT”; and

WHEREAS, Article 2 of the SALDO, and more particularly Section 208 establishes procedures relating to the offer and acceptance of dedications, and Section 208.A provides that all improvements of property shall be deemed to be private unless and until there occurs an acceptance by the Township of an offer of dedication; and

WHEREAS, the Supervisors desire to confirm the developer's obligation to repair and maintain newly-constructed streets in a development prior to an acceptance of an offer of dedication; and

WHEREAS, the Supervisors desire to clarify that this obligation includes the removal and control of both snow and ice as well as the provision of notification to residents of the development and others of the developer's obligation hereunder; and

WHEREAS, the purpose of this Ordinance is to amend the SALDO accordingly.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendments to the Upper Saucon Township Subdivision and Land Development Ordinance of December, 2011.

SECTION 2: SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TEXT AMENDMENTS

1. Sub-section 3.b of the definition of "LAND DEVELOPMENT" as set forth in Section 108.C is hereby deleted in its entirety and the following is substituted therefore:

"b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or"

2. Section 208.A, titled "Deemed Private Until Accepted," shall be amended to add the following Sub-section 4:

"4. Prior to the Board of Supervisors acceptance of an offer of dedication of streets, it shall be the obligation of the developer to repair and maintain those streets at its sole cost and expense. The developer's maintenance obligation hereunder shall include but not be limited to the removal and control of snow and ice. In addition, the developer shall notify property owners or occupants of the development, as the case may be, of the developer's obligations hereunder by: (a) posting signs at every point of ingress to the development that the developer is solely responsible for the repair and maintenance of the streets, including but not limited to the removal and control of snow and ice; and (b) by providing written notice to each property owner or occupant of this obligation all in a form to be approved by the Township."

SECTION 3: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion of provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 12th day of SEPTEMBER , 2016, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania in lawful session duly assembled.

**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**



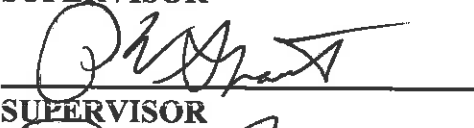
CHAIRMAN



VICE CHAIRMAN



SUPERVISOR

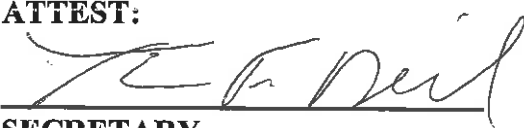


SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY