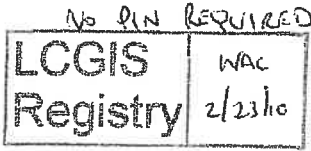


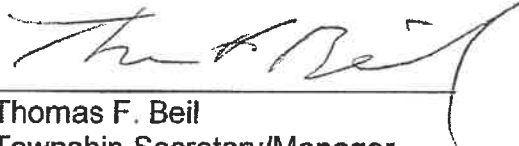
TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA



ATTESTED COPY OF ORDINANCE NO. 140
OFFICIAL MAP

I, THOMAS F. BEIL, DO HEREBY ATTEST, that I am the Secretary/Manager of the Township of Upper Saucon and, in that capacity, I DO FURTHER ATTEST THAT attached hereto is a true and correct copy of Ordinance No. 140 that was duly enacted and ordained by the Board of Supervisors of the Township of Upper Saucon at a public meeting held on January 18, 2010.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the Township has been affixed on February 18, 2010.



Thomas F. Beil
Township Secretary/Manager



Witness

(SEAL)

USTS-14

**UPPER SAUCON TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 140

**AN ORDINANCE ADOPTING AN OFFICIAL MAP FOR THE
PURPOSE OF DEPICTING PRESENT AND PROPOSED PUBLIC
LANDS AND FACILITIES AND PROVIDING FOR AMENDMENT
AND ENFORCEMENT THEREOF PURSUANT TO ARTICLE IV
OF THE MUNICIPALITIES PLANNING CODE, AS AMENDED**

SECTION I: LEGISLATIVE FINDINGS

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code, as amended (hereinafter, "MPC"), empowers Upper Saucon Township (hereinafter, "Township") to establish an Official Map and to provide for its administration, enforcement and amendment; and

WHEREAS, the Board of Supervisors (hereinafter, "Board") deems it necessary for the protection and promotion of the public health, safety and general welfare of the Township, to establish such a Map; and

WHEREAS, the Board has assessed the present needs and future desires of the Township and its citizens regarding stormwater management, environmental protection, transportation, park and recreation, open space, and the existence and availability of other public facilities; and,

WHEREAS, pursuant to Section 402(a) of Article IV of the MPC, the Township Planning Commission has reviewed the proposed, Official Map and Ordinance, and reported its recommendations to the Board; and

WHEREAS, pursuant to Article IV of the MPC the proposed, Official Map and this Ordinance were provided to the Lehigh Valley Planning Commission and all adjoining municipalities for review and possible comment; and

WHEREAS, in order to clearly depict important environmental features, existing Township facilities and reservations of public grounds as authorized by Article IV of the MPC, the Township Official Map shall be comprised of three, individual maps as follows:

- a. Official Map – Component (1) – Existing Environmental Features;
- b. Official Map – Component (2) – Existing Parks, Conservation Lands and Transportation Facilities; and
- c. Official Map – Component (3) – Reservation of Public Grounds; and

WHEREAS, the Board finds that the proposed, Official Map is consistent with both the Comprehensive Plan for the Township and the Saucon Region Comprehensive Park, Recreation and Open Space Plan.

NOW THEREFORE, the Upper Saucon Township Board of Supervisors does hereby enact and ordain as follows:

SECTION II – ORDINANCE PROVISIONS

ARTICLE I – GENERAL PROVISIONS

A. Short Title

This Ordinance shall be known and may be cited as the “Official Map Ordinance of Upper Saucon Township.”

B. Authority

This Ordinance is enacted and ordained pursuant to the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, as contained in the *The Pennsylvania Municipalities Planning Code*, Act of 1968, PL. 805, No. 247 as reenacted and amended (hereinafter, “MPC”).

C. Purpose and Method

(1). Purpose – This Ordinance is enacted to protect and promote the public health, safety, convenience and general welfare; to protect sensitive environmental features; to preserve farmland; to facilitate the adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreation, park and open space needs of the Township; and to facilitate the development and use of land.

(2). Method – The purpose, as specified above, is accomplished by depicting on the Official Map the natural features, environmentally sensitive areas, existing public streets, public grounds, and easements in the Township in order to protect the same from encroachments and other unauthorized uses; and by depicting reservations of land for future use as streets; improvements to streets; conservation, recreation and open space lands; and other lands identified for other, future public use, which may be acquired by the Township, in fee, by easement or other interest, in accordance with this Ordinance and Article IV of the MPC.

D. Severability

Should any section or provision of this Ordinance be declared unconstitutional or invalid by a court of law, such decision shall not affect the validity of any other section or provision of this Ordinance other than the one so declared.

E. Definitions

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this Section.

- (1). Board - The Board of Supervisors of Upper Saucon Township, County of Lehigh, Commonwealth of Pennsylvania.
- (2). Building - This word shall have the same definition as appears in the current Township Zoning Ordinance and any subsequent amendment thereto.
- (3). Conservation Easement - The legal right granted or sold by a property owner to the Township, some other public entity or a private conservation organization which permanently limits the type and amount of development and/or use that may take place on the property, and specifies the type, if any, of public access to the property.
- (4). County - The County of Lehigh, Commonwealth of Pennsylvania.
- (5). Improvement – Any man-made modification or change to real property not constituting a building or structure as those terms are herein defined.
- (6). Land development – This phrase shall have the same definition as appears in the MPC and any subsequent amendment thereto.
- (7). Municipal or Municipality - Upper Saucon Township, Lehigh County, Pennsylvania, or pertaining thereto.
- (8). Official Map – The Official Map of Upper Saucon Township as adopted and /or amended in accordance with this Ordinance.
- (9). Person - Any individual, partnership, firm, limited liability company or partnership, public or private corporation, incorporated or unincorporated association, enterprise or any other legal entity and, including without limitation with respect to each of the above, any agent, servant or employee thereof.
- (10). Public Grounds - Any land, right-of-way, easement or other interest in land which are owned, operated, or controlled by a government agency, including but not limited to buildings, streets and street rights-of-way, parks, playgrounds, watercourses, open space reservations, conservation easements, sidewalks and pedestrian ways, easements, railroad and transit rights-of-way, airports, flood control facilities, stormwater management facilities and other stormwater BMP's, drainage easements and with respect to all of the foregoing, any proposed or future interest reserved on the Official Map.
- (11). Public Notice - Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at

the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

(12). Right-of-Way - The total width of any land reserved or dedicated, or eligible to be reserved or dedicated, for the purpose of a street, utility, crosswalk or other public purpose or use.

(13). Street - A strip of land, including the entire right-of-way, providing access to more than one (1) lot. The word "street" includes street (and all of its classifications), avenue, boulevard, thoroughfare, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

(14). Street Functional Classification - The identification of general operating conditions and operational characteristics of streets and roads categorized according to a hierarchy, as designated on the Official Map in accordance with standards contained in the Upper Saucon Township Land Development Ordinance and Zoning Ordinance.

(15). Street, Private - A street which is not dedicated for public use and maintenance.

(16). Street, Public - A street which is dedicated for public use and maintenance.

(17). Structure – Any man made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

(18). Subdivision – This term shall have the same definition as appears in the MPC and any subsequent amendment thereto.

(19). Township - Upper Saucon Township, the County of Lehigh, Commonwealth of Pennsylvania.

(20). Zoning Hearing Board - The Upper Saucon Township Zoning Hearing Board.

(21). Zoning Officer - An agent or official designated by the Township to administer and enforce, among other things, the provisions of the Zoning Ordinance and this Official Map Ordinance.

ARTICLE II – MAP ELEMENTS, CREATION AND AMENDMENT

A. Map Elements

(1). The Official Map shall be comprised of three, component maps as follows;

(a). Official Map - Component (1) – Existing Environmental Features;

(b). Official Map - Component (2) – Existing Parks, Conservation Lands and Transportation Facilities; and

(c). Official Map - Component (3) – Reservation of Public Grounds.

(2). Map Elements - The Official Map may depict appropriate elements or portions of elements of the Upper Saucon Township Comprehensive Plan, and any other plan or study of the Township with regard to public lands and facilities, and may include, but need not be limited to:

(a). Existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same;

(b). Existing and proposed public parks, playgrounds, and open space reservations;

(c). Conservation easements;

(d). Pedestrian ways and easements;

(e). Railroad and transit rights-of-way and easements;

(f). Flood control basins, floodways and flood plains, stormwater, management areas and drainage easements; and

(g). Support facilities, easements and other properties held by public bodies undertaking the elements of Township plans and studies.

B. Identification of Elements

(1). Identification and Acquisition – For the purpose of initially identifying land on the Official Map, property records, aerial photography, photogrammetric mapping or other methods sufficient for the identification, description and publication of areas for reservation on the Official Map are sufficient. For the acquisition of lands and easements, boundary description by metes and bounds shall be made and sealed by a licensed surveyor, registered in the Commonwealth of Pennsylvania.

(2). Street Design Requirements – Unless otherwise specified on the Official Map or by other controlling Ordinances, all proposed street rights-of-way and widenings of existing public street rights-of-way as designated by this Official Map shall incorporate the necessary right-of-way and clearances and meet the design requirements specified in the Township's Zoning and Subdivision and Land Development Ordinances, as amended, for the street functional classification.

C. Certification, Amendment and Notice

(1). Certification – The Official Map shall be certified by the signatures of the Chairman of the Board of Supervisors and attested by the Township Secretary as follows: *“This to certify that this is the Official Map of Upper Saucon Township referred to in the Official Map Ordinance of Upper Saucon Township, Lehigh County, Pennsylvania.”* The date of enactment of this Ordinance shall appear on the Official Map, and it shall be kept on file with the Township Secretary.

(2). Amendments to the Official Map – The Official Map may be amended from time to time by the Board of Supervisors in accordance with the requirements of this Ordinance and the MPC. All such amendments shall be certified by signature on the Official Map of the Chairman of the Board of Supervisors. In addition, the Official Map shall be annotated with the amending ordinance number and date of enactment. Alternatively, the Official Map may be republished, approved and certified in accordance with this Ordinance.

(3). Following adoption of the Official Map or any amendments thereto in accordance with subsection 2, above, all map elements depicted on approved, final plats and recorded in accordance with the Subdivision and Land Development Ordinance shall be deemed amendments to the Official Map without further action, notice or public hearing.

(4). The Official Map, any amendment made thereto in accordance with subsection 2, above, and any accompanying ordinance shall be submitted to the Upper Saucon Township Planning Commission, the Lehigh Valley Planning Commission, adjacent municipalities where the same depict any street or other public land intended to lead into such municipality, and to any other entities required by law for review and possible comment. The review period shall be forty-five days, after which action on the proposed Official Map or amendment thereto may be taken by the Board of Supervisors with or without comment and following a public hearing with public notice as provided by law.

ARTICLE III – EFFECT OF OFFICIAL MAP AND RESERVATIONS

A. Reservations for Public Grounds

(1). Reservations – Component Map (3) of the Official Map depicts reservations for the taking or acquisition of future streets and public grounds and shall impact the development or use of land so reserved as more particularly set forth herein.

(2). Time Limits and Renewal - The time limit for which streets and public grounds depicted on the Official Map shall be deemed reserved for future taking or acquisition for public use shall be twenty-five years. The reservation period shall commence with the effective date of the ordinance adopting the Official Map and shall automatically renew commencing with the effective date of each ordinance adopting any

amendment made in accordance with Article II.C.(2). The automatic renewal provisions shall not apply to deemed amendments made in accordance with Article II.C. (3). Reservations may be renewed periodically by ordinance at the discretion of the Board of Supervisors.

(3). Prohibition in Reserved Areas – Except as otherwise set forth in this Ordinance, no approval shall be granted for any building, structure or other improvement within public grounds reserved on the Official Map.

(4). Lapse of Reservations – The reservation for public grounds shall lapse and become void after the owner of such property has submitted written notification to the Board of Supervisors announcing his intention to build, subdivide or otherwise develop the land or any part thereof covered by the reservation to construct a building, structure or other improvement upon such public grounds or any part thereof for private use; and the Board does not commence condemnation proceedings or otherwise acquire the land before the end of the following time periods, as measured from the date the Township first received such notice:

(a). Buildings, structures and other improvements not requiring land development approval – one hundred eighty (180) days.

(b). Buildings, structures and other improvements requiring land development approval – one year.

(5). Effect of Reservation - The reservation of any public grounds on the Official Map shall not, standing alone, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land and shall not obligate the Township to improve or maintain any such street or land. The reservation of proposed or future public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or an acceptance of any land by the Township. Except as otherwise provided in this Ordinance, no person shall recover any damages for the taking for public use of any building, structure or improvement constructed within the lines of any street, watercourse or public grounds after the same shall have been included in the Official Map, and any such building, structure or improvement shall be removed at the expense of the owner.

(6). Except as otherwise set forth herein, for the purposes of preserving the integrity of the Official Map, no approval shall be granted for any building, structure or other improvement within the lines of any street, watercourse or other public grounds depicted, laid out or reserved thereon.

B. Special Encroachment Permits

(1). Special Encroachment Permit Purpose – In order to preserve the integrity of the Official Map, no building, structure or other improvement shall be placed on, in or

under public grounds for which a reservation has not lapsed without first obtaining a special encroachment permit.

(2). Special Encroachment Permit Procedure – Special encroachment permits shall be granted in accordance with the following requirements.

(a). Application – When a property encompassing in whole or in part a reserved area cannot yield a reasonable return to the owner unless approval for the building, structure or other improvement shall be granted, the owner may apply to the Board for a special encroachment permit. Before granting a special encroachment permit, the Board may submit the application to the Township Planning Commission and allow the Planning Commission thirty (30) days to review and comment on the same.

(b). Notice and Hearing - The Board shall have exclusive jurisdiction to hear and render final adjudications upon applications for special encroachment permits pursuant to Section 909.1(b)(7) of the MPC. Public notice shall be given in accordance with applicable law at which time all parties in interest shall have an opportunity to be heard. Hearings will be conducted by the Board in accordance with Section 908 of the MPC.

(c). Conditions - In rendering a final adjudication, the Board may attach reasonable conditions to the grant of a special encroachment permit. The applicant's rejection of a condition shall be deemed a denial of the permit application.

(d). Appeal - A refusal by the Board to grant a special encroachment permit or the applicant's rejection of any condition of approval may be appealed to the Zoning Hearing Board in the same manner and within the same timeframe as provided in Article IX of the MPC, and any such appeal shall be limited to whether the Board committed an error of law and/or abuse of discretion. The failure to timely raise any issue at the hearing before the Board of Supervisors shall be deemed a waiver thereof.

ARTICLE IV – VIOLATIONS, PENALTIES AND APPEALS

A. Notice of Violation

(1). Where it appears that a violation of any provision of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings through the issuance of an enforcement notice meeting the requirements of Section 616.1 of the MPC.

(2). A failure to timely appeal the enforcement notice to the Zoning Hearing Board in accordance with the Township Zoning Ordinance and Article IX of the MPC shall result in a judicial admission of the occurrence of the conduct which is the subject of the notice and a judicial admission of the fact of a violation of this Ordinance, and may lead to further enforcement action by the Township as permitted by law.

B. Causes of Action

(1). Where any building, structure or improvement is erected, reconstructed, converted or maintained, or where any building, structure, improvement and/or land are used in violation of this Ordinance, the Township may, in addition to the action set forth in Section A, above:

(a). Institute any appropriate action or proceedings to prevent, restrain or abate such unlawful activity;

(b). Withhold, deny or rescind necessary permits or approvals;

(c). Otherwise prevent the occupancy or use of said building, structure, improvement or land and/or prevent any illegal act, conduct, business or use in or about such premises and/or

(d). Pursue all other lawful remedies including but not limited to the Preventive and Enforcement Remedies of Article V of the MPC.

C. Penalties

(1). A finding of violation of this Ordinance may subject the offending party to a fine not to exceed Five Hundred Dollars (\$500). Each day a violation continues shall constitute a separate violation, unless it shall be determined that there existed a good faith basis for the person violating the ordinance to believe there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the court and thereafter each day that a violation continues shall constitute a separate violation.

(2). In any action instituted for a violation of this Ordinance, the Township may claim, and upon successful prosecution shall recover, all court costs, consultant and expert witness fees and reasonable attorney fees actually incurred by the Township as a result of the violation. The Township may include in its claim and recover all consulting, expert and reasonable attorney fees actually incurred not only in the prosecution of the claim but such fees incurred prior to the filing of the claim, if related to the violation.

ARTICLE V – CONSTRUCTION

A. Interpretation

(1). All words and phrases used herein shall be interpreted as follows:

(a). Words and phrases used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular;

words of masculine gender include feminine gender, and words of feminine gender include masculine gender;

(b). The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of the kind and character;

(c). The words “shall” and “must” are mandatory words, and the words “may” and “should” are permissive; and.

(d). The words “used” or “occupied” include the words and phrases “intended, designed, maintained or arranged to be used or occupied.”

SECTION III – REPEALER

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION IV – SAVINGS CLAUSE

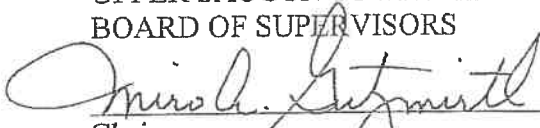
To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those valid portions of the text shall remain in full force and effect if the 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.


SECTION V – EFFECTIVE DATE

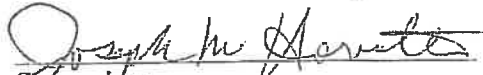
This Ordinance shall become effective within five (5) days after the date of enactment.


BE IT HEREBY ENACTED AND ORDAINED this 18th day of JANUARY, 2010, by the Board of Supervisors of Upper Saucon Township, Lehigh County, Pennsylvania.

UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS


Chairman


Vice-Chairman


Supervisor


Supervisor

Supervisor

ATTEST:


Secretary

ANDREA E. NAUGLE
LEHIGH COUNTY CLERK OF JUDICIAL RECORDS



Recorder of Deeds Division
Deborah A. Casciotti, Chief Deputy
Lehigh County Government Center
17 S. Seventh Street - Room 350
Allentown, PA 18101-2400
610-782-3162

***RETURN DOCUMENT TO:**
DIMMICH & DINKELACKER PC
2987 CORPORATE COURT
SUITE 210
OREFIELD, PA 18069

Instrument Number - 2010005084

Recorded On 2/23/2010 At 1:11:48 PM

* Instrument Type - ORDINANCE

Invoice Number - 44480 User ID: LSA

* Grantor - UPPER SAUCON TOWNSHIP

* Grantee - UPPER SAUCON TOWNSHIP

* Customer - DIMMICH & DINKELACKER PC

***Total Pages - 13**

*** FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$29.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL PAID	\$34.50

I hereby CERTIFY that this document is
Recorded in the Recorder of Deeds Office
of Lehigh County, Pennsylvania



Andrea E. Naugle
Andrea E. Naugle
Clerk of Judicial Records
Recorder of Deeds Division

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2010005084

0017SW

