

ORDINANCE NO. 262

HONEY BROOK BOROUGH
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 23, TITLED "STORMWATER MANAGEMENT," AT SECTION 23-110, TO REQUIRE THE POSTING OF FINANCIAL SECURITY FOR STORMWATER MANAGEMENT SITE PLANS SUBMITTED WITHOUT SUBDIVISION/LAND DEVELOPMENT PLANS, AND TO AMEND CHAPTER 27, TITLED "ZONING," AT SECTION 27-1307 TO REQUIRE THE POSTING OF FINANCIAL SECURITY FOR UNFINISHED STORMWATER MANAGEMENT IMPROVEMENTS AS CONDITIONED BY THE ZONING OFFICER DURING THE ISSUANCE OF A TEMPORARY USE AND OCCUPANCY PERMIT.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Honey Brook Borough, Chester County, Commonwealth of Pennsylvania, that the Code of Honey Brook Borough shall be further amended as follows:

SECTION 1: Section 23-110, titled "Financial Security," is hereby amended to include the underlined language below:

"Section 23-110. Financial Security.

For all activities requiring submittal of a Stormwater Management (SWM) Site Plan that involve subdivision or land development or in conjunction with SWM Site Plan approval if no subdivision/land development plan is required, the Applicant shall post financial security to the Municipality for the timely installation and proper construction of all stormwater management facilities as required by the approved SWM Site Plan and this Chapter, and such financial security shall:

- A. Be equal to or greater than the full construction cost of the required facilities except to the extent that financial security for the cost of any of such improvements is required to be and is posted with the Pennsylvania Department of Transportation in connection with a highway occupancy permit application;

AND

- B. Be determined, collected, applied, and enforced in accordance with Sections 509-511 of the MPC and the provisions of the Municipality's Subdivision and Land Development Ordinance (SALDO)."

SECTION 2: Section 27-1307, titled "Issuance of Use and Occupancy Permit," is hereby amended to include the underlined language below:

"Section 27-1307. Issuance of Use and Occupancy Permit.

- A. No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use complies with all provisions of this Chapter and all other applicable regulations of the Borough, Chester County, and the Commonwealth of Pennsylvania, and has inspected the property to confirm compliance.
- B. Within 15 days after receipt of the application, the Zoning Officer shall either approve or deny the application and notify the applicant accordingly. If the application is denied, the Zoning Officer shall provide the applicant, in writing, the reasons for the denial and the appeals process.
- C. Upon approval of an application, the Zoning Officer shall issue a use and occupancy permit to the applicant for the use indicated on the approved application.
- D. Upon request, the Zoning Officer may issue a temporary use and occupancy permit to enable partial occupancy of a building pending completion of construction or alteration. The Zoning Officer may attach conditions and safeguards to such a temporary occupancy permit to protect the occupants and the public. Such conditions shall include the posting of financial security for any unfinished stormwater management improvements required to be made pursuant to applicable ordinances or regulations, or pursuant to an approved SWM Site Plan. Such financial security shall not be released until such improvements are completed and approved by the Borough.

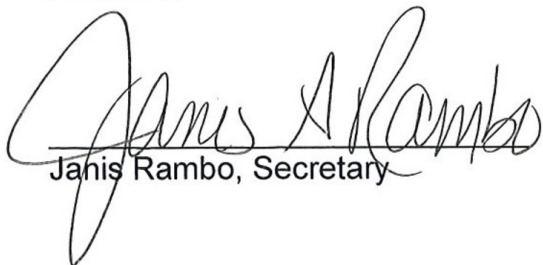
SECTION 3. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Council of the Borough of Honey Brook that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

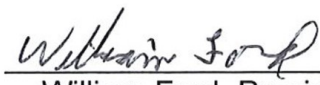
SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 4th DAY OF MARCH, 2024.

ATTEST:

COUNCIL FOR THE BOROUGH OF
OF HONEY BROOK


Janis Rambo, Secretary

By: 
William Ford, President

APPROVED THIS 4th DAY OF MARCH, 2024.


Matthew Halvorsen, Mayor