

ORDINANCE NO. 167

AN ORDINANCE OF NOCKAMIXON TOWNSHIP AMENDING
CHAPTER 234 OF THE NOCKAMIXON CODE OF ORDINANCES
TO AMEND NOTICE REQUIREMENTS FOR LAND USE
HEARINGS AND APPLICATIONS

WHEREAS, the Pennsylvania Municipalities Planning Code provides in Section 603(d) that, "Zoning ordinances may include provisions regulating the siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources." 53 P.S. § 10603(d);

WHEREAS, the Pennsylvania Municipalities Planning Code provides in Section 604(1) that, "provisions of zoning ordinances shall be designed [*inter alia*] . . . To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare." 53 P.S. § 10604(1);

WHEREAS, Section 908(1) of the Municipalities Planning Code also provides that the Township may, by ordinance, identify additional people to receive notices of hearings beyond what state law provides. 53 P.S. § 10908(1);

WHEREAS, Section 1516 of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Nockamixon Township (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), known as the "Pennsylvania Municipalities Planning Code." 53 P.S. § 66516;

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; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with the Municipalities Planning Code;

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

I. Chapter 234 of the Nockamixon Township Code of Ordinances is **AMENDED** as follows:

A. **STRIKE** the last sentence of Section 234-48.A. and **REPLACE** it with the following:

The applicant shall mail written notification of the date, time and place of a conditional use hearing, together with a concise statement of the nature of the approval requested, to

all property owners located within 500 feet of the property boundary of the applicant's property at least seven days prior to the date of the hearing. The Applicant shall, not less than 5 days prior to the hearing, provide the Township with proof of mailing to the aforementioned individuals.

B. STRIKE Section 234-80.A. and REPLACE it with the following:

Notice. The Board or its designee shall give public notice and it shall give written notice to the applicant and the Zoning Officer. The Applicant shall mail a copy of the public notice to all persons who own property within 500 feet of any property which shall be the subject of an application before the Board. The Applicant shall, not less than 5 days prior to the hearing, provide the Board or its designee with proof of mailing to the aforementioned individuals. In addition to the notice provided herein, the Board or its designee shall conspicuously post notice of said hearing on the affected tract of land at least one week prior to the hearing.

II. Partial Repealer

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

III. 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, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and 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.

IV. Effective Date

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

ENACTED AND ORDAINED this 18th day of October, 2018.

ATTEST:

Heather DiSario
Heather DiSario, Secretary

NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS

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William Sadow, Chair

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