

ADOPTING ORDINANCE

**LOWER MACUNGIE TOWNSHIP
Lehigh County, Pennsylvania**

**ORDINANCE #2011-12
(Duly Adopted October 6, 2011)**

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF LOWER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, pursuant to Section 1502 of the First Class Township Code, Lower Macungie Township has the ability to codify its existing ordinances; and

WHEREAS, the Lower Macungie Township Board of Commissioners desires to revise, amend, consolidate and codify its existing ordinances to ensure that the Township and the public are aware of what ordinances are in effect and to make these ordinances more user-friendly.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Commissioners of Lower Macungie Township, as follows:

ARTICLE I ADOPTION OF CODE OF ORDINANCES

The Township of Lower Macungie Code of Ordinances, as prepared and published for the Township of Lower Macungie, is hereby adopted as a consolidation, codification, and revision of the ordinances of the Township of Lower Macungie. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of Lower Macungie organized as follows:

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Chapter 1	Administration and Government
Chapter 2	Animals
Chapter 3	[Reserved]
Chapter 4	[Reserved]
Chapter 5	Code Enforcement
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection
Chapter 8	[Reserved]
Chapter 9	[Reserved]
Chapter 10	Health and Safety
Chapter 11	Housing

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Chapter 12	[Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	[Reserved]
Chapter 15	Motor Vehicles and Traffic
Chapter 16	Parks and Recreation
Chapter 17	Preservation, Heritage
Chapter 18	Sewers and Sewage Disposal
Chapter 19	[Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development
Chapter 23	Stormwater Management
Chapter 24	Taxation; Special
Chapter 25	[Reserved]
Chapter 26	Water
Chapter 27	Zoning

APPENDICES:

A	Adjustments to Township Boundaries
B	Debt and Bond Issues
C	Franchises and Services
D	Governmental and Intergovernmental Affairs
E	Plan Approval
F	Public Property
G	Sewers
H	Streets and Sidewalks
I	Water
J	Zoning; Prior Ordinances
K	Agricultural Areas

Table of Disposition of All Ordinances

Table of Disposition of Significant Resolutions

The Appendices of the volume list, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest - for the complete text of these enactments, the official records of the Township of Lower Macungie shall be authoritative and should be consulted.

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ARTICLE II CONSOLIDATIONS AND REVISIONS

As a necessary part of codification, the following provisions are hereby consolidated as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No.
15, Entire Chapter	Motor Vehicles and Traffic	1990-6; 1990-7; 1991-4; 1993-1; 1993-12; 1994-3; 1994-6; 1995-4; 1999-4; 2002-3; 2003-2; 2003-6; 2004-9; 2004-11; 2004-15; 2004-16; 2005-2; 2005-3; 2005-14; 2006-1; 2006-3; 2007-07; 2009-11; 2010-03; 2010-04; 2010-05; 2011-01; 2011-05

B. *Revisions.*

Section	Subject	Ordinance No., Section
[Reserved]		

ARTICLE III NEW ENACTMENTS AND AMENDMENTS

As a necessary part of codification, the following ordinances are hereby enacted and amended as summarized by short title:

A. *New Enactments.*

Section	Subject
§§ 1-101 — 1-111	Preliminary Provisions
§§ 7-401 — 7-407	Fees Incident to Emergency Response
15, Entire Chapter	Motor Vehicles and Traffic
§§ 20-101 — 20-109	Municipal Solid Waste

B. *Amendments.*

Section	Subject	Ordinance No., Section
§ 1-203	Appointment, Terms, and Compensation of Board Members	1971-46, § 3 1983-1, § 1 1999-14
§ 1-211	Planning Department	1989-1 1999-18, §§ 39-1, 39-4
§ 1-212	Planning Commission	1989-1 2009-12, §§ I, II
§ 1-226	Duties of Emergency Management Organization	1986-7 1988-12, § 4
§ 1-241	Lower Macungie Township Historical Commission	1993-10, § 1004
§ 1-308	Restrictions on Commissioners	2007-1, § 8
§ 1-309	Delegation of Duties	2007-1, § 9

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Section	Subject	Ordinance No., Section
§ 1-321	Definitions	1987-3, § I
§ 1-322	Provision of Defense	1987-3, § II
§ 1-411	Statute of Limitations	1991-5
§ 2-107	Penalty for Violation	1992-6, § 7
§ 2-108	Private Civil Actions Authorized	1992-6, § 8
§ 5-103	Administration and Enforcement	2004-5, § 3
§ 5-106	Fees	2004-5, § 6
§ 6-102	Violations and Penalties	1968-36, § 2 1999-18, § 97-2
§ 7-108	Additional Rules, Regulations and Fees	1995-3, § VIII 1999-12, § 4
§ 7-111	Penalties	1995-3, § IX
§ 7-202	Definitions	1998-14, § II
§ 7-203	Alarm Registration and False Alarms	1998-14, § III
§ 7-204	Penalty and Remedies for Violation	1998-14, § IV
§ 7-309	Violations and Penalties	2009-8
§ 10-102	Definitions	1968-40, § II
§ 10-103	License	1968-40, § III 1999-18, § 93-3
§ 10-104	Application for License	1968-40, § IV 1999-18, § 93-4
§ 10-108	Transfer Fee	1968-40, § VIII
§ 10-110	Penalties	1968-40, § X 1988-5, § 14 1999-18, § 93-9
§ 11-101	Definitions	1974-53, § I 1993-2, § 5
§ 11-108	Penalties	1974-53, § IX 1988-5, §§ 3, 9 1993-2, § 4
§ 13-109	Violations and Penalties	2009-9, § 1
§ 13-206	Violations and Penalties	2009-4
§ 16-103	Special Rules for Ball Fields	1992-5, § 3
§ 16-104	Future Changes by Resolution	1992-5, § 4
§ 16-106	Exceptions	1992-5, § 6
§ 16-107	Penalty for Violation	1992-5, § 7
§ 17-102	Purpose	1993-10, § 1001
§ 17-104	Historic Resources Map	1993-10, § 1003
§ 17-106	Design Standards	1993-10, § 1006
§ 17-107	Modifications to Area and Bulk Regulations	1993-10, § 1007
§ 17-108	Landscaping	1993-10, § 1008
§ 17-109	Standards for Rehabilitation	1993-10, § 1009
§ 17-110	Approval Process	1993-10, § 1009

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Section	Subject	Ordinance No., Section
§ 17-112	Enforcement	1993-10, § 1012
§ 18-101	Definitions	1985-7 1991-8, § 1 1995-15 2005-12
§ 18-305	Construction and Maintenance of Building Sewers and Sewer Laterals	1985-7
§ 18-502	Stormwater, Surface Water, Ground Water, Subsurface Drainage, Etc.	1985-7
§ 18-511	Interceptors	1985-7 1995-15
§ 18-512	Mechanical Garbage Grinders	1985-7 1995-15
§ 18-1210	Administrative Civil Penalties	1995-15
§ 18-1501	Delegation by Township	1995-12
§ 18-1701	Connection Fees	1991-8 2005-12
§ 18-1706	Tapping Fees; Amount of Fees	1991-8 2005-12
§ 18-1801	Permits	1968-35 1974-55 1985-7
§ 18-1802	Fees for Permits	1968-35 1974-55 1985-7
§ 18-1803	Appeals from Refusal to Grant Permits and Inspection of Installations	1968-35 1974-55 1985-7
§ 20-202	MSW Charge	2005-11, § 3 Res. 2005-44, § 2
§ 20-207	Amounts of MSW Charges	2005-11, § 9
§ 20-209	Termination/Restoration Charges	2005-11, § 12
§ 20-210	Dishonored Payment	2005-11, § 13
§ 20-211	Updating Amounts Quarterly by Resolution	2005-11, § 14
§ 20-302	Definitions	1990-9, § II
§ 20-303	Recyclable Materials	1990-9, § III
§ 20-304	General Operation of Program and Requirements	1990-9, § IV
§ 20-306	Recycling Containers	1990-9, § VI
§ 20-312	Regulations and Administration by Township	1990-9, § XII
§ 20-314	Incentives, Violations, Penalties and Enforcement	1990-9, § XIV
§ 21-101	Compliance with Regulations and Permit Required	1988-13, § 1 2004-4, § 1
§ 21-102	Permit Application; Fees; Security	1988-13, § 2 2004-4, § 2
§ 21-103	Issuance of Permit	1988-13, § 3 2004-4
§ 21-107	Violations and Penalties	1988-13, § 7
§ 21-203	Fees	1974-56, § 3

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Section	Subject	Ordinance No., Section
§ 21-204	Modification of Plans	1974-56, § 4
§ 21-206	Violations and Penalties	1974-56, § 61 1988-5, §§ 5, 10
§ 21-307	Collecting Assessments	1996-4, § 146-7
§ 21-414	Penalties	2010-12, Art. II
§ 23A-102	Statement of Findings	2005-9, § 102
§ 23A-104	Statutory Authority	2005-9, § 104
§ 23A-404	Plan Submission	2005-9, § 404
§ 23A-407	Hardship Waiver Procedure	2005-9, § 407
§ 23A-601	General	2005-9, § 601
§ 23A-905	Penalties	2005-9, § 905
§ 23B-901	Right of Entry	2011-03, Art. 9
§ 24-101	Definitions	1989-12, § 1.00 1996-1, § I 2004-17, § 1
§ 24-105	Joint Agreements with Other Political Subdivisions	1989-12, § 5.00
§ 24-106	Powers and Duties of the Earned Income Tax Officer	1989-12, § 6.00
§ 24-111	Fines and Penalties for Violation of Part	1989-12, § 11.00 1990-4, § III 1991-11
§ 24-309	Penalty for Violation	2009-14, § 159-58
§ 24-501	Authority to Provide Tax Certifications	2008-04
§ 24-511	Adoption of Reporting Procedures	1992-4, § 1
§ 24-514	Penalties	1992-4, § 6
§ 24-605	Appeal Procedures	1999-3, § 5
§ 24-606	Appeals Board	1999-3, § 6
§ 24-607	Tax Administrator	1999-3, § 7
§ 24-608	Forms	1999-3, § 8
§ 26-101	Definitions	1986-11
§ 26-109	Violations and Penalties	1986-11
§ 26-201	Definitions	1987-6
§ 26-207	Violations and Penalties	1987-6

ARTICLE IV LAND USE AMENDMENTS

The Township of Lower Macungie Code of Ordinances is hereby amended, as is more fully shown in the complete text of Chapters 22 and 27 thereof, which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

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A. *Revised Provisions.* The following provisions of the Code are revised, the text of which indicates deletions by ~~strike through~~ and additions shown by underline, and are summarized as follows:

Section	Subject	Ordinance No., Section
§ 22A-103	Application	1998-12, § 120
§ 22A-201	Definitions	1998-12, § 200 2006-2
§ 22A-302	Sketch Plan review	1998-12, § 310 2010-08, Art. XXXVIII
§ 22A-401	Preliminary Plan Submission	1998-12, § 400 2006-2 2010-08, Arts. XXXIX and XL
§ 22A-402	Review of Preliminary Plan	1998-12, § 410 2006-2 2010-08, Art. XLI
§ 22A-501	Final Plan Submission	1998-12, § 500 2006-2 2010-08, Arts. XLII and XLIII
§ 22A-502	Review of Final Plan	1998-12, § 510 2010-08, Art. XLIV
§ 22A-503	Final Plan Recording	1998-12, § 520
§ 22A-504	Final Plan Requirements	1998-12, § 530
§ 22A-705	Street Design Standards	1998-12, § 740 1999-17 2001-8 2006-2 2010-08, Arts. XLV, XLVI, and XLVII
§ 22A-706	Sanitary Sewage Disposal Standards	1998-12, § 750
§ 22A-708	Storm Drainage Systems	1998-12, § 770 1999-17 2006-2
§ 22A-709	Underground Utilities and Easements	1998-12, § 780 2006-2
§ 22A-710	Environmental Protection	1998-12, § 790 1999-17 2000-5 2006-2 2010-08, Art. XLIX
§ 22A-808	Storm Drainage Systems	1988-12 2010-07, Art. III
§ 22A-810	Environmental Protection	1998-12 2010-07, Art. III
§ 22A-905	Additional Requirements	1998-12, § 850
§ 22A-1001	General Requirements	1998-12, § 900
§ 22A-1002	Special References	1998-12, § 910
§ 22A-1003	Contracts	1998-12, § 920
§ 22A-1004	Improvements Guarantee Procedure	1998-12, § 930

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Section	Subject	Ordinance No., Section
§ 22A-1005	Approval of Improvements and Release of Performance Guarantee by the Township Board of Commissioners	1998-12, § 940
§ 22A-1101	Amendments	1998-12, § 1000
§ 22A-1102	Appeals	1998-12, § 1010
§ 22A-1103	Violations and Penalties	1998-12, § 1020
§ 22A-1105	Fees	1998-12, § 1040
§ 22A-1106	Modifications	1998-12, § 1050 2000-2 2006-2
§ 22A-1107	Indemnification and Insurance	1998-12 2006-4
Appendix 22A-2	Traffic Impact Study	1998-12 2010-07, Art. V
§ 22C-102	Streets	2002-1
§ 22C-110	Miscellaneous Improvements	2002-1
§ 27-103	Purpose	1998-11, § I
§ 27-202	Definition of Terms	1998-11, § I 1999-1, §§ 2, 3 2002-5, §§ 1 — 3 2002-11, § 1 2004-3, § 2 2009-13, § III 2010-06, § III 2010-08, Arts. I and II
§ 27-303	District Boundaries	1998-11, § I 2010-06, § IV 2010-08, Art. IV
§ 27-503	Uses Permitted by Condition	1998-11, § I
§ 27-602	Uses Permitted by Right	1998-11, § I 2000-3, § 1
§ 27-603	Uses Permitted by Condition	1998-11, § I 2000-3, § 2 2005-6, § 1
§ 27-606	Lot Area, Width, Building Coverage, Height Regulations	1998-11, § I 2002-5, § 4
§ 27-702	Uses Permitted by Right	1998-11, § I 1999-16 2000-3, § 1
§ 27-703	Uses Permitted by Condition	1998-11, § I 1999-16 2000-3, § 2
§ 27-803	Uses Permitted by Condition	1998-11, § I 1999-16 2000-3, § 2
§ 27-904	Uses Permitted by Condition	1998-11, § I
§ 27-1503	Uses Permitted by Condition	1998-11, § I 2010-08, Art. XXI
§ 27-1508	Additional Standards for Uses in the ORLIC District	1998-11, § I 2010-08, Art. XXI
§ 27-1802	Sewage Waste Treatment and Disposal Control	1998-11, § I
§ 27-1803	Buffer Yards	1998-11, § 1

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Section	Subject	Ordinance No., Section
§ 27-1903	Steep Slope (Overlay District)	1998-11, § I
§ 27-2003	Authorized Infrastructure	1998-11 2010-06, § VII
§ 27-2209	Exempt Signs	1998-11, § I
§ 27-2210	Signs Prohibited in All Districts	1998-11, § I 2007-05, § 1
§ 27-2403	Procedures for Review of Conditional Use Applications	1998-11, § I 2004-3, § 4 2010-08, Art. XXXI
§ 27-2405	Certain Uses by Right That Are Subject to Specific Additional Criteria	1998-11, § I
§ 27-2406	Specific Criteria	1998-11, § I 2000-3, § 4 2002-11, § 3 2004-2 2004-3, § 4 2010-06, § X 2010-08, Arts. XXX — XXXII
§ 27-2407	Provisions for Wireless Telecommunications Towers and Antennas	1998-11 1999-1, § 4
§ 27-2410	Active Adult Residential Community	1998-11, § I 2005-6, § 2 2010-08, Arts. XXIII, XXXIV
§ 27-2601	General Procedure	1998-11, § I
§ 27-2602	Permits and Certificates	1998-11, § I
§ 27-2603	Zoning Officer	1998-11, § I
§ 27-2604	Zoning Hearing Board	1998-11, § I 2004-3, § 5
§ 27-2605	Hearings by the Zoning Hearing Board	1998-11, § I 2004-3, § 5
§ 27-2607	Appeals	1998-11, § I
§ 27-2609	Curative Amendment	1998-11, § I
§ 27-2610	Filing Fees and Costs	1998-11, § I
§ 27-2612	Causes of Action	1998-11, § I
§ 27-2613	Enforcement Remedies	1998-11, § I
§ 27A-210	Fees	1998-11, § I 2002-2

ARTICLE V PROCEDURAL CHANGES

The following minor procedural changes have been made to existing Township of Lower Macungie ordinances:

- A. Grammatical and spelling errors have been corrected where necessary.
- B. Minor changes have been made to correct obsolete terms and usages.

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- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania First Class Township Code, the Pennsylvania Vehicle Code, the Pennsylvania Municipalities Planning Code, and the Pennsylvania Local Tax Enabling Act.

ARTICLE VI AMENDING THE CODE OF ORDINANCES

The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed, or added as follows:

- A. Amendment or Revision - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended [revised] to read as follows. . ."
- B. Additions - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended by the addition of the following. . ."
- C. Repeal - "Chapter ____, Part ____, Section ____, Subsection ____ is hereby repealed in its entirety."

ARTICLE VII RESPONSIBILITY FOR CODE OF ORDINANCES

It shall be the responsibility of the Lower Macungie Township Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Lower Macungie Code of Ordinances and shall be available for public inspection.

ARTICLE VIII PENALTIES

It shall be unlawful for anyone to change, alter, or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of Lower Macungie. Whosoever shall violate this Section shall be guilty of an offense under § 4911, "Tampering with Public Records or Information" of the Crimes Code, 18 Pa.C.S.A. § 4911, and shall be prosecuted under that Section of the law.

ARTICLE IX CITATION

The codification referred to in Article I of this Ordinance shall be known and cited officially as the "Township of Lower Macungie Code of Ordinances," and all future ordinances shall make reference to this Code of Ordinances.

ARTICLE X SAVING CLAUSE

The provisions of the Township of Lower Macungie Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township of Lower Macungie Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

ARTICLE XI SEVERABILITY OF PARTS OF CODE OF ORDINANCES

It is hereby declared to be the intention of the Township of Lower Macungie that the Chapters, Parts, Sections, paragraphs, sentences, clauses and

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phrases of the Township of Lower Macungie Code of Ordinances are severable. If any Chapter, Part, Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ARTICLE XII SEVERABILITY

If any sentence, clause, section, or part of this Codifying 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 of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE XIII REPEALER

All other Township ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

ARTICLE XIV EFFECTIVE DATE

This Ordinance shall become effective one day after enactment or upon recordation of this Ordinance within the Township’s official Ordinance Book, whichever comes later.

ENACTED and **ORDAINED** this 6th day of October, A.D., 2011.

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**

ATTEST:

Roger C. Reis, President

Renea Flexer, Secretary