

ORDINANCE NO. 5167

**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 2, ANIMALS, CHAPTER 13, LICENSES, PERMITS
AND GENERAL BUSINESS REGULATIONS, CHAPTER 15, MOTOR
VEHICLES AND TRAFFIC, AND CHAPTER 21, STREETS AND SIDEWALKS,
FOR THE PURPOSE OF ADDING, DELETING, AND AMENDING SECTIONS
RELATED TO STRAY ANIMALS, TOWNSHIP ADDRESSES, PEDDLING AND
SOLICITING, METERD PARKING, OBSTURCTIONS AND OVERHANGING
VEGETATION, AND VIOLATIONS AND PENALTIES**

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. CHAPTER 2, ANIMALS, Part 2, Other Animals, is hereby amended to add Section §2-201.A., Stray Animals.

§2-201.A. Stray Animals.

It is unlawful for any person to feed stray/homeless animals. The presence of stray animals should be reported to the Northampton Township Police Department or the Code Enforcement Department. Concerned citizens may humanely trap stray animals and deliver them to an animal control shelter.

SECTION 2. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 1, Alarm System Registration, Section §13-105.1., Violations and Penalties., is hereby amended to delete *55 Township Road* and replace it with *50 Township Road*.

SECTION 3. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 3, Peddling and Soliciting, Section §13-313., Violations and Penalties., is hereby deleted and rewritten as follows:

§13-313. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall

voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the ~~manner provided for the enforcement of summary offenses under the~~ Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 4. CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, Part 5, On-Street Metered Parking, Part 6, Off-Street Metered Parking, and Part 7, Off-Street Unmetered Parking, are hereby deleted and marked as *Reserved*.

SECTION 5. CHAPTER 21, STREETS AND SIDEWALKS, Part 1, Openings and Excavations, Section §21-114., Obstructions; Overhanging Vegetation is hereby deleted and rewritten as follows:

§21-114. Obstructions; Overhanging Vegetation.

1. It shall be unlawful for any person or persons to erect, set up, place or maintain any gasoline pump, oil tank or other obstructions, including, but not limited to, dumpsters, trailers, pods or other similar obstructions that are deemed a hazard, or to plant any trees, shrubbery or similar obstruction within the boundaries of any public highway, road, street, avenue, lane, alley, sidewalk or footpath in the Township of Northampton.
2. Trees and hedges overhanging the sidewalk and/or roadway shall be trimmed to provide clear passage of not less than 12 feet above the sidewalk or roadway. In addition, all obstructions at intersections that create visibility problems, as determined by the Code Enforcement Officer or Police Department, shall be removed.
3. Any such obstruction shall be removed promptly by the property owner whenever notice to remove such obstruction is given by the Zoning/Code Enforcement Director and/or the Police Department. If the owner fails to comply with such notice, the Township may remove the obstruction and charge the cost thereof to the owner.

4. No commercial vehicle may be parked on a Township street except for service and delivery to said residence. A commercial vehicle shall be defined as any means of conveyance as defined as such in the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §102, as amended: bus, combination, farm vehicle, limousine, semitrailer, special mobile equipment, taxi, trailer, truck and wrecker, or similar vehicle, which exceeds 22 feet in length and/or 12,000 pounds.

SECTION 6. CHAPTER 21, STREETS AND SIDEWALKS, Part 2, Snow and Ice Removal, Section §21-203.2. is hereby amended to delete *55 Township Road* and replace it with *50 Township Road*. *\$15* is hereby deleted and replaced with *\$25*.

SECTION 7. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

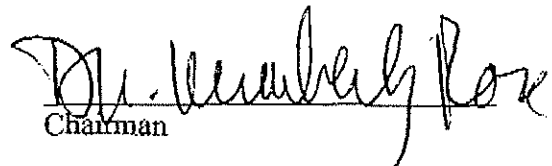
SECTION 8. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and ENACTED by the Board of Supervisors of Northampton Township

this 11th day of December, 2013.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Chairman

ATTEST: 

10/14/13

ORDINANCE NO. 568

NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 22, KNOWN AS THE NORTHAMPTON
TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, FOR
THE PURPOSE OF AMENDING APPENDIX 22-A TO ADD A LIGHTING PLAN
TO THE VILLAGE OVERLAY DESIGN STANDARDS

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of
Supervisors of Northampton Township as follows:

SECTION 1. APPENDIX 22-A, Village Overlay Design Standards, is hereby
amended to add the following document prepared by Gilmore & Associates, Inc:

1. Historic Street Light Implementation Plan – Dated 2/20/05 (revised 4/05)

SECTION 2. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be
declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such
declaration shall not prevent or otherwise foreclose enforcement of any of the remaining
portions of this ordinance.

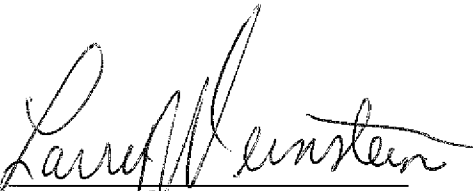
SECTION 3. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the
specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are
hereby specifically repealed.

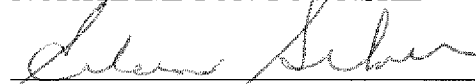
ORDAINED and ENACTED by the Board of Supervisors of Northampton Township

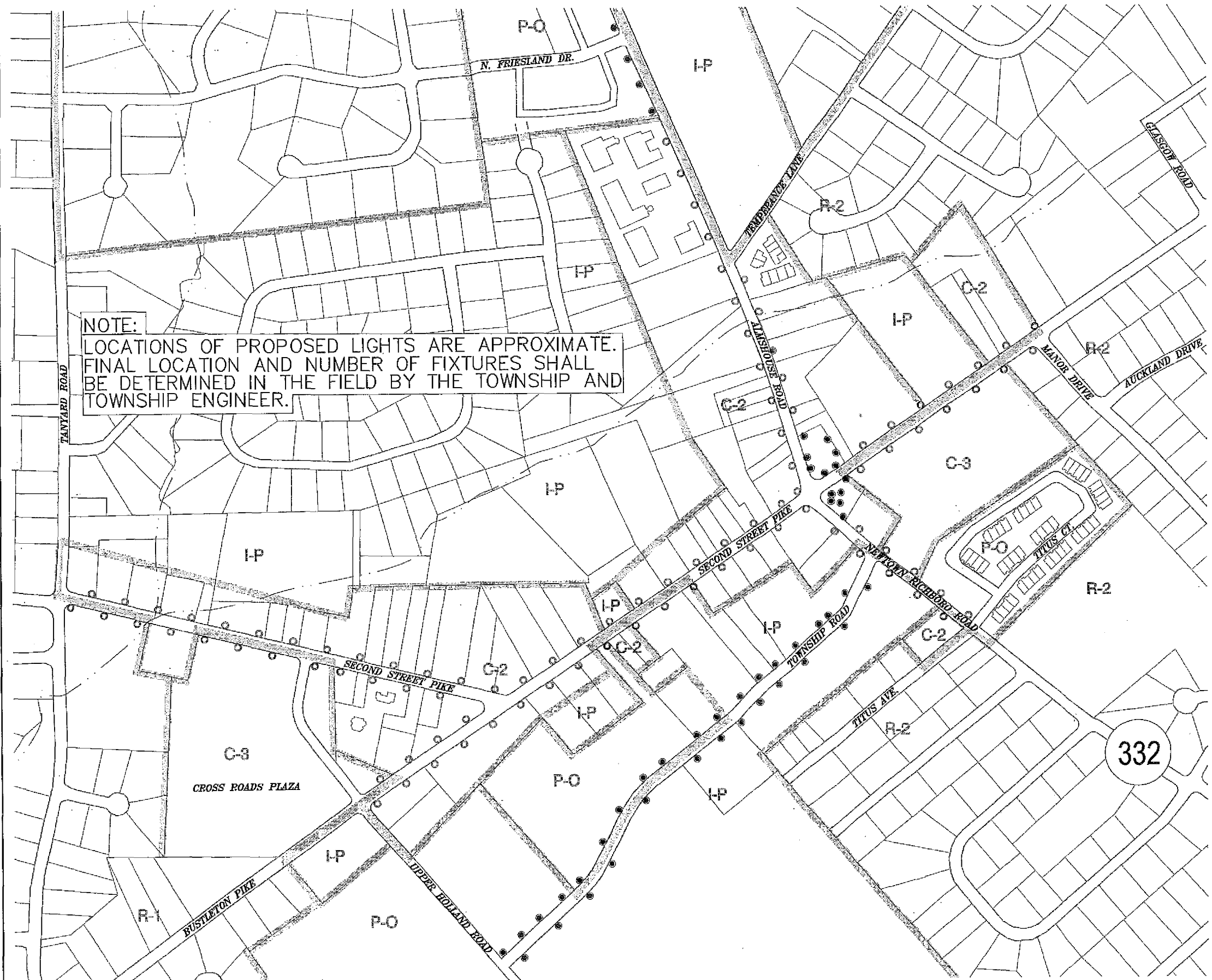
this 26th day of February, 2014.

ATTEST:

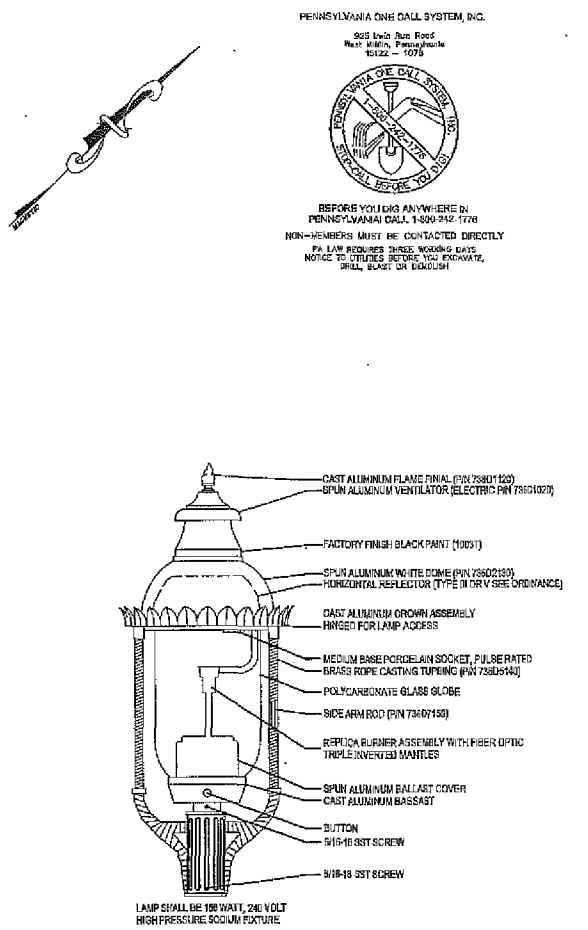

Larry Weinstein Secretary

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Eileen Silver, Chairman



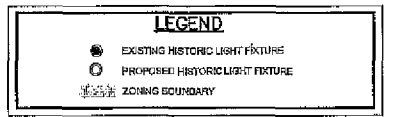
NOTE:
LOCATIONS OF PROPOSED LIGHTS ARE APPROXIMATE.
FINAL LOCATION AND NUMBER OF FIXTURES SHALL
BE DETERMINED IN THE FIELD BY THE TOWNSHIP AND
TOWNSHIP ENGINEER.



LIGHT FIXTURE SHALL BE MANUFACTURED BY THE PENNSYLVANIA
 GLOBE GASLIGHT COMPANY, 300 BROADWAY, NORTH BAYFORD,
 OTTUMPA, OHIO 44770. MODEL "GLOBE" OR APPROVED
 EQUAL. LIGHT POST SHALL BE MANUFACTURED BY THE PENNSYLVANIA
 GLOBE GASLIGHT COMPANY, TRADITIONAL FLUTED POST (FIN 73801101) OR
 APPROVED EQUAL. LIGHT FIXTURE SHALL BE MOUNTED AT A
 HEIGHT OF TWELVE (12) FEET. ALL OTHER INSTALLATION REQUIREMENTS
 SHALL CONFORM WITH THE NORTHAMPTON TOWNSHIP ORDINANCES.

LIGHT FIXTURE DETAIL

NOTE:
 WHERE PROPOSED LIGHTING CAN NOT BE PLACED AS SHOWN ON THIS PLAN DUE TO EXISTING
 PHYSICAL INFRASTRUCTURE (OVERHEADS, UTILITIES, SIGNAGE, ETC.) THE LIGHTING SHALL BE
 INSTALLED AS CLOSE TO THE LOCATION SHOWN AS POSSIBLE TO ENSURE UNIFORM LIGHTING
 DISTRIBUTION. THE PROPOSED LIGHTING SHALL NOT BE SPACED AT INTERVALS GREATER THAN 176
 FEET APART, AND NOT LESS THAN 143 FEET. WHERE EXISTING LIGHTING FIXTURES EXIST, THEY
 SHALL BE REPLACED WITH THE SPECIFIED LIGHTING FIXTURE EXCEPT WHEN THE LIGHTING FIXTURE
 IN QUESTION IS INSTALLED AS A MEANS OF SECURITY LIGHTING.
 THE LOCATION OF EXISTING LIGHTING IS APPROXIMATE



NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

FEBRUARY 20, 2005
 REVISED: APRIL 2005



GILMORE & ASSOCIATES, INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 200 EAST BOSTON AVENUE, SUITE 100, PHILADELPHIA, PA 19106
 104 WEST MAIN STREET, SUITE 100, TOWNSHIP, PA 19380
 701 EAST BALTIMORE PIKE, SUITE F, KENNY SQUARE, PA 19381



HISTORIC STREET LIGHT
IMPLEMENTATION PLAN

ORDINANCE NO. 569

NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 27, KNOWN AS THE NORTHAMPTON
TOWNSHIP ZONING ORDINANCE, FOR THE PURPOSE OF AMENDING
SECTIONS RELATED TO THE PLANNED INDUSTRIAL/OFFICE
DISTRICT (I-1)

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. PART 6, I-1 Planned Industrial/Office District, is hereby amended as follows:

§27-601. Specific Intent.

It is the intention of Northampton Township for this district to be a thriving business and technology center to further enhance the local and regional economy. It is further a goal and objective to provide adequate sites for selected industrial uses which will not cause adverse environmental impacts. It is further the specific intent to encourage development that is compatible, unified, and coordinated for all members of the center.

§27-602. Use regulations.

Use regulations in the I-1 District shall be as follows:

A. *Uses by Right.* The following uses are permitted by right:

- (1.) Administrative and business offices.
- (2.) Medical and professional offices.
- (3.) Medical research, pharmaceutical, scientific, and laboratory facilities.
- (4.) Printing and publishing plants.
- (5.) Packaging and final assembly uses.
- (6.) Wholesale storage, distribution, and warehousing, provided all products are contained in a fully enclosed structure.
- (7.) Light manufacturing uses; excluding the manufacturing of new products from raw materials and textiles.
- (8.) Construction trade shops, including builders, plumbers, electricians, earthmovers, and utility contractors.

- (9.) Motor and automotive repair and assembly.
- (10.) Municipal uses.
- (11.) Bank or financial establishment.
- (12.) Restaurant/Eating place.
- (13.) Daycare and childcare facility.
- (14.) Personal service shops, specifically limited to the following uses and no others:
 - (a.) Pick up and delivery shops for dry cleaning.
 - (b.) Shipping and mail service uses.
 - (c.) Hair styling.
 - (d.) Nail shops.
 - (e.) Tailor shops.

B. *Conditional Uses.* The following conditional uses may be permitted or may be denied by the Board of Supervisors, subject to the provisions of Sections §27-901, 27-902, and 27-903 of this Code and subject to each specific conditional use requirement listed herein:

- (1.) Adult uses.
- (2.) Any storage of fireworks, explosives and the like.
 - (a.) Use shall be located in a freestanding building having no other occupants.
 - (b.) Lot size – Six (6) acre minimum.
 - (c.) Minimum front, side, and rear yard distances – 250 feet each.
 - (d.) Use shall meet the requirements of §27-1103.3.A. of this Chapter and all applicable State and Federal regulations, which shall be submitted with the conditional use filing.
- (3.) Heliport (private or public).
 - (a.) Minimum front, side, and rear yards – 300 feet each for any landing pads.
 - (b.) Approach zone studies and an analysis of operational hours and environmental noise impact studies shall be required. In addition, all State and Federal requirements shall be satisfied, and proof of Federal Aviation Administration regulation conformance shall be submitted to the Township at the time the applicant files the conditional use application.

- (4.) Telecommunications facility, subject to the provisions of §27-1116, 27-1123 and the specific criteria listed below:
 - (a.) The applicant shall present a site plan showing the following items:
 - 1.) Locations of all existing uses and proposed telecommunications facilities.
 - 2.) Elevations of any existing uses and proposed telecommunications facilities.
 - 3.) Vehicular access, fencing and any easements for access and utilities.
 - (b.) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.
- (5.) Hotel/motel.

C. *Uses by Special Exception.*

- (1.) The following uses shall be permitted by special exception when approved by the Zoning Hearing Board:
 - (a.) Dry-cleaning plant.
 - (b.) Incineration or reduction of garbage.
 - (c.) Leather processing.
 - (d.) Heavy manufacturing, including, but not limited to the manufacturing of asphalt, cork, explosives, fertilizer, illuminating gas, glue, ink, iron or steel (including rubber and synthetic processing), soap and petroleum refining, and other similar heavy manufacturing as determined by the Township.
 - (e.) Manufacturing, processing or storage of chemicals.
 - (f.) Quarry; stone processing.
 - (g.) Storage of crude oil or any of its volatile products or other flammable liquids.
 - (h.) Wood or wood pulp processing.
 - (i.) Other similar types of uses not specifically noted herein.
- (2.) Special exception uses are subject to the specific criteria listed below:
 - (a.) Such uses shall be located in a separate freestanding building having no other occupants on a lot having not less than 5 acres in area and a lot width of not less than 400 feet, with front, side and rear yards of not less than 100 feet each and with total impervious surface coverage not to exceed 40 percent of the lot.

- (b.) An environmental impact study will be required for any use involving the handling of raw materials which appear on the Environmental Protection Agency's or Department of Environmental Protection's hazardous and toxic materials list.
- (c.) Specific air pollution and/or groundwater pollution control devices shall be in accordance with Environmental Protection Agency and Pennsylvania Department of Environmental Protection's requirements. The applicant shall submit device plans and the approved permit to the Township with the special exception application.
- (d.) Copies of Environmental Protection Agency or Department of Environmental Protection's permits or evidence of application for Environmental Protection Agency and Department of Environmental Protection's permits shall be required for specific uses.

D. *Accessory Uses.* Any use which is customarily incidental and subordinate to the above permitted uses and is located on the same lot or parcel; provided, that:

- (1.) Storage and dispensing of any volatile oil product or any possible and/or highly flammable liquid where such storage is in minor quantities and it is required as an incidental use for any use noted above shall be stored in a manner approved by the Fire Marshal.
- (2.) Any outdoor storage, including temporary storage of materials and equipment, must be fully fenced with a solid-type fencing and other material, which fully screens such storage from adjacent properties. If applicable, storage must be in accordance with the approved land development plan. No storage shall be located past the front façade of the building.
- (3.) Retail sales are permitted, provided that such use does not exceed a maximum of ten (10) percent of gross floor area of the building. There shall be no retail sales outside of the building.

§27-603. Area and Development Regulations.

- A. Any use allowed in the Planned Industrial/Office District will be permitted only after an adequate water supply and a satisfactory method of sewage and wastewater treatment have been both approved by the Pennsylvania Department of Environmental Protection and the Bucks County Health Department.
- B. The following development regulations shall apply:
 - (1.) Minimum overall site area for planned industrial office use: 10 acres.
 - (2.) Minimum lot area for individual principal buildings within the above site: 2 acres.
 - (3.) Minimum lot width at building setback line: 200 feet.
 - (4.) Minimum lot width at the street right-of-way line (for cul-de-sacs only): 75 feet.
 - (5.) Maximum building coverage: 30 percent of lot area.
 - (6.) Maximum impervious surface ratio: 70 percent of lot area.
 - (7.) Minimum setback for principal or accessory structure from any street: 100 feet.
 - (8.) Minimum yard required (side or rear) abutting an agricultural or residential district: 75 feet.
 - (9.) Minimum side or rear yard not abutting any agricultural or residential district: 40 feet.
- C. A buffer area (see Part 11) shall be required along any property line abutting any other zoning district.

§27-604. Off-Street Parking and Loading.

- A. Separate off-street storage spaces shall be provided for each delivery vehicle or other vehicle routinely stored on the site (where permitted). Such spaces shall not qualify as off-street parking spaces otherwise required by §27-1110 of this Code.

B. Off-street loading shall be in accordance with Part 11.

SECTION 2. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

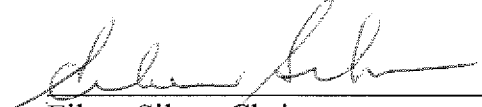
SECTION 3. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and **ENACTED** by the Board of Supervisors of Northampton Township

this 26th day of February, 2014.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Eileen Silver, Chairman

ATTEST:


Larry Weinstein, Secretary

1/15/14

Ordinance Number 570

AN ORDINANCE OF THE TOWNSHIP OF NORTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, CREATING A VETERANS ADVISORY COMMISSION; PROVIDING FOR THE MEMBERSHIP, RESIDENCY AND COMPENSATION OF THE MEMBERS; PROVIDING FOR THE ELECTION OF OFFICERS; AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION.

WHEREAS, the Board of Supervisors of Northampton Township desires to create a permanent Veterans Advisory Commission to advise and assist the Board in those areas that affect the veterans and active-duty military communities of Northampton Township; and

WHEREAS, the Veterans Advisory Commission will work to create awareness of the issues faced by veterans, active-duty members of the military and their families; provide support to veterans and military families in the community; develop methods to recognize the service of veterans and resident military; and provide a forum for veterans and their families to provide feedback on issues that affect their lives; and

WHEREAS, the Board of Supervisors of Northampton Township now desires to formally establish a Veterans Advisory Commission and specifically set forth its duties and responsibilities; and

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Northampton Township, Bucks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

- I. The Code of Ordinances of Northampton Township at Part 1, Administration and Government is hereby amended to add a new Chapter 7 entitled "Veterans Advisory Commission," which reads as follows:

Chapter 7 - Veterans Advisory Commission

§7-1 Establishment of Commission. There is hereby created the Veterans Advisory Commission of Northampton Township which shall be an advisory Commission to the Board of Supervisors.

§7-2 Membership. The Veterans Advisory Commission shall consist of seven (7) members who shall be appointed by a voting majority of the Board of Supervisors for staggered terms of three (3) years. Initial terms of appointment will have three members (3) serving three-year terms, two (2) members serving two-year terms, and two (2) members serving one-year terms.

§7-3 Residency and Compensation. All members of the Veterans Advisory Commission shall be residents of Northampton Township and serve without compensation other than for such expenses in connection with their duties on said Commission, as the Board of Supervisors shall approve in advance.

§7-4 Quorum; Taking Action. A quorum shall consist of four (4) members. Actions may only be taken by affirmative vote of a quorum of the Commission.

§7-5 Election of Officers. The Veterans Advisory Commission shall elect from its members, at the first meeting thereof, and at the annual meeting in January of each and every year thereafter,

a Chairman, Vice Chairman, Secretary and such other officers as the said Commission may deem necessary, by a majority vote of the members present at such meeting constituting a quorum. Notice of the annual meeting shall be sent to each member by the Secretary at least five (5) days prior to said meeting. Regular or special meetings shall convene at the call of the Chairman, or in such other manner as the members may, by a majority vote, designate, or at the request of the Board of Supervisors.

§7-6 Duties and Responsibilities. The Veterans Advisory Commission shall undertake the following duties and responsibilities in connection with advising the Board of Supervisors on issues faced by resident veterans and active-duty personnel; and provide support to veterans and military families in the community:

- (A) Manage the Township Patriots Flag Program, Memorial Day ceremony, Flag Day ceremony, Veterans Day ceremony, and other patriotic programs
- (B) Recommend plans and programs for the support of Township veterans and their families whenever feasible.
- (C) Implement veteran-related tasks as requested by the Board of Supervisors in accordance with the purposes of the Commission.

§7-7 Meetings. The Veterans Advisory Commission shall meet at least quarterly throughout the calendar year. The Secretary shall prepare minutes of each meeting and, upon approval, forward a copy to the Board of Supervisors.

§7-8 Reports. The Veterans Advisory Commission shall make such reports from time to time as requested by the Board of Supervisors.


- II. All Ordinances unaffected by this Ordinance are declared to be in full force and effect. Any provisions of other Ordinances and Resolutions inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Northampton Township.

ORDAINED AND ENACTED this 23rd day of January 2014.

ATTEST:


Larry Weinstein, Secretary

NORTHAMPTON TOWNSHIP


Eileen Silver, Chairman

**TOWNSHIP OF NORTHAMPTON
BUCKS COUNTY, PENNSYLVANIA**

Ordinance Number 571

AN ORDINANCE OF THE TOWNSHIP OF NORTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, DESIGNATING AN AREA OF THE TOWNSHIP IN WHICH NEW CONSTRUCTION OF INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY AND IMPROVEMENTS TO INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY ARE ELIGIBLE FOR A TAX EXEMPTION PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, AS AMENDED; PROVIDING FOR AN EXEMPTION ON THE ASSESSMENT ATTRIBUTABLE TO THE ACTUAL COST OF SUCH NEW CONSTRUCTION OR IMPROVEMENTS; AND PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE

WHEREAS, the General Assembly of Pennsylvania passed Act No. 76 of 1977 (72 P.S. §4722 et seq.), known as the Local Economic Revitalization Tax Assistance Act (LERTA), which authorizes local taxing authorities to exempt from real property taxation, within certain limitations, the assessed valuation of improvements to, and new construction of, industrial, commercial and other business property in areas designated for such purpose by the governing body of the appropriate city, borough, incorporated town or township; and

WHEREAS, the Board of Supervisors of the Township of Northampton, being a "municipal governing body" within the meaning of LERTA, proposes to establish an area within the boundaries of the Township as an area in which such tax exemption may be granted by the local taxing authorities; and

WHEREAS, the Board of Supervisors of the Township of Northampton held a public hearing for the purpose of determining the boundaries of the designated area in which such exemptions may be granted by the local taxing authorities; and

WHEREAS, the Board of Supervisors of the Township of Northampton with due consideration having been given to the recommendations and comments made at such public hearing by the local taxing authorities and other knowledgeable and interested public and private agencies and individuals regarding the establishment of the boundaries of an area in the Township within its jurisdiction may grant tax exemption to new construction or improvements to industrial, commercial, and other business property in accordance with LERTA, has determined that the area hereinafter designated meets one or more of the criteria under the Act.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of the Township of Northampton, Bucks County, Pennsylvania that Chapter 24 of the Northampton Township Code of Ordinances is hereby amended to add the following:

Part 4 – Local Economic Revitalization Tax Assistance Act (LERTA)

§24-401 Definitions. As used in this ordinance, the following words and phrases shall have the meaning set forth below:

"Act" or "LERTA" - Local Economic Revitalization Tax Assistance Act of the Commonwealth, Act No. 1977-76, as amended;

"Board of Supervisors" – The Board of Supervisors of Northampton Township

"Commonwealth" – the Commonwealth of Pennsylvania;

"County" – County of Bucks, Pennsylvania, acting by and through its Board of County Commissioners, or, acting by and through its authorized representatives

"Designated Area" – the area within the Township identified in this Ordinance;

"Eligible Property" – any industrial, commercial or other business property located in the Designated Area;

"Improvement" – repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating any industrial, commercial or other business property owned by any individual, association or corporation and located in the Designated Area; "Improvements" does not include any ordinary upkeep or maintenance;

"Local Taxing Authorities" – the Township of Northampton, the County of Bucks, and the Council Rock School District

"Person" – any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority, or other group or entity;

"School District" – Council Rock School District, Bucks County, Pennsylvania, acting by its Board of School Directors, or, in appropriate cases, acting by and through its authorized representatives

"Township" – Township of Northampton, Bucks County, Pennsylvania, acting by and through its Board of Supervisors, or acting by and through its authorized representatives

§24-402 Designated Area.

- (A) The Township does hereby designate the area within the following boundaries as determined within the meaning of the Act, and one in which the Local Taxing Authorities may grant a tax exemption pursuant to the provisions of the Act: All properties within the I-1 zoning district; the areas bounded by the Richboro Village Overlay District; the areas bounded by the Holland Village Overlay District; and the Spring Mill Country Club property as shown on the map attached hereto as "Exhibit A".

- (B) Any discrepancy between the description of the Designated Area in this section and the area designated in the LERTA District Resolution shall be resolved in favor of the LERTA District Resolution, it being the intent of the Township to grant exemption to all new construction and Improvements to Eligible Property within the area designated by the Resolution.

§24-403 Exemption Amount.

- (A) There is hereby exempted from all real estate property taxes that portion of additional assessment attributable to the actual costs of new construction or Improvements to Eligible Property for which proper application has been made in accordance with this Ordinance.
- (B) The exemption authorized by this Ordinance shall be in accordance with the provisions and limitations hereinafter set forth.
- (C) The schedule of real property taxes to be exempted shall be in accordance with the following percentage of the assessed valuation of new construction or Improvements to Eligible Property:

<u>Tax Year(s) Following</u> <u>Completion of Construction</u>	<u>Exemption Portion of</u> <u>Assessed Valuation</u>
1	100%
2	100%
3	100%
4	100%
5	100%

- (D) A tax exemption granted under this Ordinance shall become effective for a five (5) year period from the date of issuance of a Certificate of Occupancy for any Improvements.
- (E) A tax exemption granted under this Ordinance shall not terminate upon the sale or exchange of the property.
- (F) Any Person who is an owner of Eligible Property and who desires tax exemption pursuant to this Ordinance shall apply in writing for such exemption on a form to be provided by the Township at the principal office of the Township, and must be received by the Township within sixty (60) days following the date of issuance of a building permit for any new construction or Improvements.
- (G) The Township shall make available to any Person desiring to apply for a tax exemption in accordance with this Ordinance an application form (the "Application") which shall require such Person to supply the following information:
- The name of the owner or owners of the Eligible Property;

- ii. The location of the Eligible Property, including the tax parcel identification number assigned to such property for real property tax purposes;
- iii. The type of new construction or Improvements to be made on the Eligible Property;
- iv. The nature of the Improvements to be made on the Eligible Property;
- v. The date on which the relevant building permit was issue, the date on which construction commenced or the estimated date on which it shall commence;
- vi. The cost or estimated cost of the new construction or Improvements;
- vii. Such additional information as the Township may reasonably require.

(H) The appropriate official of the Township shall forward a copy of such completed Application to the County and School District within thirty (30) days following the date on which such Application is filed.

(I) The cost of new construction or Improvements to be exempted and the schedule of taxes exempted at the time of an initial request for tax exemption made in accordance with the provisions of this Ordinance shall be applicable to that exemption request, and any subsequent amendment to this Ordinance, if any, shall not apply to Applications filed with the Township prior to their adoption.


§24-406 Expiration. The provisions of this Ordinance shall expire upon the fifth (5th) anniversary of its enactment, unless extended by ordinance duly adopted. Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule even if this Ordinance expires or is repealed.

§24-404 Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being intent of the Township that such remainder shall be and shall remain in full force and effect.

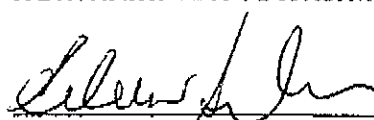
§24-407 Effective Date. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 27th day of August, 2014.

ATTEST:


Larry Weinstein, Secretary

NORTHAMPTON TOWNSHIP


Eileen Silver, Chairman

ORDINANCE NO. 572**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 2, ANIMALS, CHAPTER 6, CONDUCT, CHAPTER
10, HEALTH AND SAFETY, CHAPTER 13, LICENSES, PERMITS AND
GENERAL BUSINESS REGULATIONS, CHAPTER 15, MOTOR VEHICLES
AND TRAFFIC, CHAPTER 16, PARKS AND RECREATION, AND CHAPTER
21, STREETS AND SIDEWALKS, FOR THE PURPOSE OF ADDING,
DELETING, AND AMENDING SECTIONS RELATED TO
SOLICITING AND VIOLATIONS AND PENALTIES**

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. CHAPTER 2, ANIMALS, Part 2, Other Animals, is hereby amended to delete **Section §2-205., Violations and Penalties.**, which is rewritten as follows:

§2-205. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 2. CHAPTER 6, CONDUCT, Part 1, D. Enforcement, is hereby amended to delete **Section §6-142., Violations and Penalties.,** which is rewritten as follows:

§6-142. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 3. CHAPTER 10, HEALTH AND SAFETY, Part 2, Air Pollution Control, is hereby amended to delete **Section §10-206., Penalties.,** which is rewritten as follows:

§10-206. Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
3. The Board may institute an action in equity for an injunction to restrain any violation of this Part.

SECTION 4. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 1, Alarm System Registration, is hereby amended to delete Section §13-105., Violations and Penalties., which is rewritten as follows:

§13-105. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 5. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 3, Peddling and Soliciting, is hereby amended to delete **Section §13-313., Violations and Penalties.,** which is rewritten as follows:

§13-313. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 6. CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, Part 4, General Parking Regulations, is hereby amended to delete **Section §15-412., Penalties.,** which is rewritten as follows:

§15-412. Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 7. CHAPTER 16, PARKS AND RECREATION, Part 1, Rules for Parks, Recreation Areas, Open Space Areas and Public Property, is hereby amended to delete Section §16-106., Violations and Penalties., which is rewritten as follows:

§16-106. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 8. CHAPTER 21, STREETS AND SIDEWALKS, Part 1, Openings and Excavations, is hereby amended to delete **Section §21-119., Violations and Penalties.,** which is rewritten as follows:

§21-119. Violations and Penalties.

1. In the event of a violation of this Part, any police officer of the Township of Northampton may present to the owner, tenant or occupant a notice indicating the nature of the offense and bearing the statement that no prosecution shall be instituted for 48 hours hereafter if, during said 48-hour period, the offender shall voluntarily appear at the office of the Police Department of the Township of Northampton, 50 Township Road, Richboro, Pennsylvania 18954, and voluntarily enter a plea of guilty and pay a penalty of \$25 for the first offense, \$50 for the second offense, and \$75 for the third offense to the Township. In the event such persons fail to comply with such notice, the offense will thereafter be prosecuted and the penalty collected in a manner prescribed by existing laws.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 9. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 10. REPEALER.

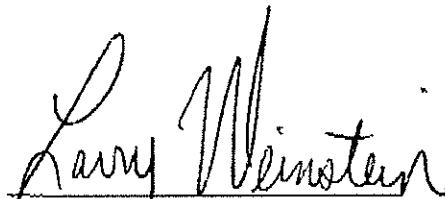
All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.


ORDAINED and **ENACTED** by the Board of Supervisors of Northampton Township

this 17th day of September, 2014.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP

ATTEST:


Larry Weinstein, Secretary


Eileen Silver, Chairman

ORDINANCE NO. 573**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF NORTHAMPTON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, BY ESTABLISHING SPEED LIMITS ON UPPER HOLLAND ROAD, EAST HOLLAND ROAD AND KNOWLES AVENUE

IT IS ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, Part 2, Traffic Regulations, Section §15-201., Maximum Speed Limits Established on Certain Streets, is hereby amended by deleting the following streets and rewriting them as follows:

<u>Street</u>	<u>Between</u>	<u>Direction of Travel</u>	<u>Maximum Speed Limit</u>
East Holland Road	Entire Length	All	35
Knowles Road	Entire Length	All	35
Upper Holland Road	Entire Length	All	35

SECTION 2. SEVERABILITY

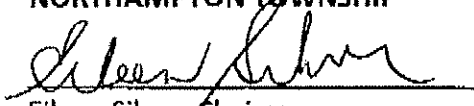
In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and ENACTED by the Board of Supervisors of Northampton Township this 19th day of November, 2014.

ATTEST:


Larry Weinstein, Secretary**BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP**
Eileen Silver, Chairman

ORDINANCE NO. 574**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA****AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 13, LICENSES, PERMITS AND GENERAL
BUSINESS REGULATIONS, AND CHAPTER 16, PARKS AND RECREATION,
FOR THE PURPOSE OF ADDING, DELETING, AND
AMENDING SECTIONS RELATED TO SOLICITING**

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 3, Peddling and Soliciting, Section §13-303., Application for License., is hereby amended to add subsection 1.G. and 4:

- G. A statement permitting the Township to conduct both a criminal background check and a Child Abuse Clearance Check of the applicant and any other person assisting in soliciting and/or peddling in the Township.
- 4. All peddling and soliciting is subject to the requirements of Section §16-104.

SECTION 2. CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, Part 3, Peddling and Soliciting, Section §13-306., Hours of Conduct of Business., is hereby amended to delete "8 p.m." and replace it with "Sunset."

SECTION 3. CHAPTER 16, PARKS AND RECREATION, Part 1, Rules for Parks, Recreation Areas, Open Space Areas and Public Property, is hereby amended to delete Section §16-104., Soliciting Prohibited., and to rewrite the section as follows:

§16-104. Parks and Recreation: Soliciting and Peddling.

- 1. Soliciting and peddling under this section shall be subject to the same definitions, licensing and other requirements of Chapter 13, Part 3, governing Peddling and Soliciting in the Township.

2. There shall be no soliciting or peddling of any kind in any park, recreation or open space owned or controlled by the Township, unless authorized by the Township or as permitted pursuant to paragraph 4 below.
3. When concession facilities owned or controlled by the Township are open in Township parks, the sale of any and all food and/or beverages by vendors is prohibited, unless authorized by the Township.
4. When concession facilities owned and/or controlled by the Township are closed, vendors may only sell or offer for sale food and/or beverages from any legal parking space. Vendors are prohibited from moving through the park and stopping or pausing to sell or offer for sale food and/or beverages. Vendors' vehicles shall not block the passage of other vehicles or block other legally parked vehicles. Vendors are subject to all the terms, conditions, and licensing requirements as more fully set forth in §13-303.
5. The use of any Township park, recreation or open space for commercial or profit-making activities is prohibited, except by permit issued by the Township.

SECTION 4. SEVERABILITY.

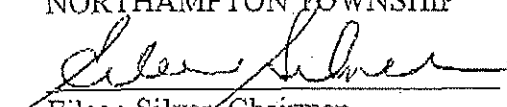
In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 5. REPEALER.


All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and ENACTED by the Board of Supervisors of Northampton Township
this 19th day of November, 2014.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Eileen Silver, Chairman

ATTEST:


Larry Weinstein, Secretary

ORDINANCE NO. 577

**NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 27, KNOWN AS THE NORTHAMPTON
TOWNSHIP ZONING ORDINANCE, FOR THE PURPOSE OF DELETING
SECTIONS RELATED TO THE FP FLOODPLAIN AND FLOOD HAZARD
DISTRICT AND THE ZONING HEARING BOARD RELATED TO THE
FLOODPLAIN**

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. Part 2, Definitions, Section 27-201.4. is hereby amended to delete definitions including *Floodplain or Flood Hazard Area (or District)*, *Floodplain soil*, *Floodproofing*, *Lowest floor*, *One-hundred-year recurrence or intermediate regional flood (as defined by United States Army Corps of Engineers)* and *Standard project flood (as defined by the United States Army Corps of Engineers)*.

SECTION 2. Part 7, FP Floodplain and Flood Hazard District., is hereby deleted in its entirety and rewritten as follows:

**Part 7
FP Floodplain and Flood Hazard District**

Please reference Ordinance 576 for regulations regarding the FP Floodplain and Flood Hazard District.

SECTION 3. Part 14, Zoning Hearing Board, Section 27-1402.5. is hereby deleted in its entirety.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.


SECTION 6. EFFECTIVE DATE.

This ordinance shall be effective on March 16, 2015.

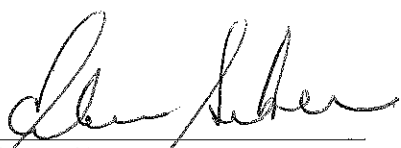
ORDAINED and **ENACTED** by the Board of Supervisors of Northampton Township

this 28th day of JANUARY, 2015.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Barry Moore, Chairman

ATTEST:


Eileen Silver, Secretary

NORTHAMPTON TOWNSHIP
ORDINANCE NO. 578

**AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS,
BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR
ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE
ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN
MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND
DEVELOPMENT WITHIN AREAS OF THE NORTHAMPTON
TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND
ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR
REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS
OF THIS ORDINANCE.**

ARTICLE I. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Northampton does hereby order as follows.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 2.02 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Special Flood Hazard Area of Northampton Township unless a Permit has been obtained from the

Floodplain Administrator.

B. A Permit shall not be required for minor repairs to existing buildings or structures.

Section 2.03 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 2.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 2.05 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Northampton Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE III. ADMINISTRATION

Section 3.01 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Manager.

Section 3.02 Permits Required

A Permit shall be required before any construction or development is undertaken within any Special Flood Hazard Area of the Township of Northampton.

Section 3.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

- I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

Section 3.04 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Northampton Township. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 - 4. structures will be anchored to prevent floatation, collapse, or lateral movement;

5. building materials are flood-resistant;
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest revisions thereof.
 4. The following data and documentation:
 - a. detailed information concerning any proposed floodproofing measures and corresponding elevations.

- b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See section 4.02 A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
- c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 4.02 B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- e. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

- D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain

Administrator.

Section 3.05 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 3.06 Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 3.07 Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 3.08 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 3.09 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Northampton Township, of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 3.10 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the *Zoning Hearing Board* may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS

Section 4.01 Identification

The identified floodplain area shall be:

- A. any areas of Northampton Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- B. any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Northampton Township and declared to be a part of this ordinance.

Section 4.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment

would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

D. Community Identified Flood Hazard Areas shall be areas having Floodplain soils, as identified in the Soil Survey of Bucks County, Pennsylvania, United States Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Pennsylvania State University, College of Agricultural Sciences; the Pennsylvania Department of Environmental Protection; the Pennsylvania Department of Agriculture; and the Bucks County Conservation District, dated September 2002, as amended. Floodplain soils include the following soils:

1. Bowmansville-Knauers silt loam (Bo)
2. Delaware loam (DaA, DaB)
3. Fluvaquents (FI)
4. Hatboro silt loam (Ha)
5. Holly silt loam (Ho)
6. Linden loam (Lt)
7. Nanticoke-Hatboro silt loam (Na)
8. Psammments (Ps)
9. Rowland silt loam (Ro)
10. Urban land, occasionally flooded (Ufw)
11. Urban land, Delaware complex (UIB)

Section 4.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B) for situations where FEMA notification is required.

Section 4.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Section 4.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V. TECHNICAL PROVISIONS

Section 5.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When a community proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 5.02 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE and A1-30 Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 4.02.C of this ordinance.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE and A1-30 Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 4.02.C of this ordinance.
3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972,

as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 5.03 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation

shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 5.04 Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply: (5.04 B, C, & D)

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 5.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 5.01, 5.02 and 5.03.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 5.04 (A) above, shall be built in accordance with Sections 5.01, 5.02 and 5.03 including:
 - 1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
 - 2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 5.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 5.06 Special Requirements for Manufactured Homes

Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

- A. Where permitted by variance within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - 1. placed on a permanent foundation;

2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 3. and anchored to resist flotation, collapse, or lateral movement.
 4. and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
- B. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- C. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 5.07 Special Requirements for Recreational Vehicles

- A. Recreational vehicles in Zones A and AE must either:
1. be on the site for fewer than 180 consecutive days, and
 2. be fully licensed and ready for highway use,
- or
3. meet the permit requirements for manufactured homes in Section 5.06.

ARTICLE VI. PROHIBITED ACTIVITIES

Section 6.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals
2. Nursing homes
3. Jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 7.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.02 shall apply.

Section 7.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or latest revision thereof.
- E. Within any Floodway Area/District (See Section 4.02 A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- F. Within any AE Area/District without Floodway (See Section 4.02 B), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- G. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- H. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

ARTICLE VIII VARIANCES

Section 8.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, Northampton Township may, upon request, grant relief from the strict application of the requirements.

Section 8.02 Variance Procedures and Conditions

Requests for variances shall be considered by Northampton Township in accordance with the procedures contained in Section 3.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 5.04).
- D. No variance will be granted for Prohibited Activities (Article VI) in the Identified Floodplain Area.
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, Northampton Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, Northampton Township Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, Northampton Township shall consider, at a minimum, the following:
1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by Northampton Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. DEFINITIONS

Section 9.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 9.02 Specific Definitions

1. *Accessory use or structure* - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. *Base flood* - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. *Base flood discharge* - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. *Base flood elevation (BFE)* - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

5. *Basement* - any area of the building having its floor below ground level on all sides.
6. *Building* - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. *Development* - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. *Existing manufactured home park or subdivision* - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. *Expansion to an existing manufactured home park or subdivision* - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. *Flood* - a temporary inundation of normally dry land areas.
11. *Flood Insurance Rate Map (FIRM)* - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. *Flood Insurance Study (FIS)* - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
13. *Floodplain area* - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
14. *Floodproofing* - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. *Floodway* - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. *Historic structures* – any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

17. *Identified Floodplain Area* - this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

18. *Lowest floor* - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

19. *Manufactured home* - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

20. *Manufactured home park or subdivision* – a parcel (or contiguous parcels) of land divided

into two or more manufactured home lots for rent or sale.

21. *Minor repair* - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
22. *New construction* - structures for which the start of construction commenced on or after March 16, 2015 and includes any subsequent improvements to such structures. Any construction started after April 6, 1977 and before March 16, 2015 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
23. *New manufactured home park or subdivision* – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
24. *Person* - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
25. *Post-FIRM Structure* - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated 02/15/1980, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
26. *Pre-FIRM Structure* - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated 02/15/1980, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
27. *Recreational vehicle* - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;

- c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
28. *Regulatory flood elevation* - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
29. *Repetitive loss* – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
30. *Special flood hazard area (SFHA)* - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
31. *Start of construction* - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
32. *Structure* – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
33. *Subdivision* - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any

residential dwelling, shall be exempted.

34. *Substantial damage* - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
35. *Substantial improvement* - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
36. *Uniform Construction Code (UCC)* – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
37. *Variance* - A grant of relief by a community from the terms of a floodplain management regulation.
38. *Violation* - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

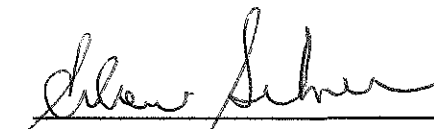
ARTICLE X. ENACTMENT

Section 10.01 Adoption

This Ordinance shall be effective on *March 16, 2015* and shall remain in force until modified, amended or rescinded by Northampton Township, Bucks County, Pennsylvania.


ENACTED AND ADOPTED by the Board of Supervisors this 28th day of JANUARY,
2015.

ATTEST:



Eileen Silver, Secretary
Northampton Township

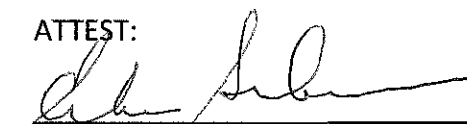
BOARD OF SUPERVISORS OF THE TOWNSHIP OF
NORTHAMPTON

By: 

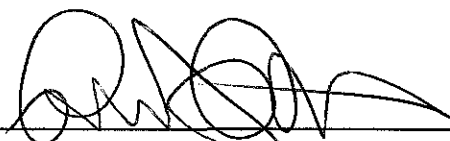
Barry Moore, Chairman
Board of Supervisors

APPROVED, this 28th day of JANUARY, by the Township Manager, Northampton
Township

ATTEST:



Eileen Silver, Secretary
Northampton Township



Robert M. Pellegrino, Township Manager

**TOWNSHIP OF NORTHAMPTON
BUCKS COUNTY, PENNSYLVANIA**

Ordinance Number 579

**AN ORDINANCE OF THE TOWNSHIP OF NORTHAMPTON, BUCKS
COUNTY, PENNSYLVANIA PROHIBITING SMOKING ON
TOWNSHIP PROPERTY AS DEFINED HEREIN EXCEPT IN
DESIGNATED AREAS**

WHEREAS, the Board of Supervisors of Township of Northampton recognizes that smoking is one of the leading causes of preventable disease and death in the United States; and

WHEREAS, in addition to the deleterious effects upon smokers, tobacco smoke is a substantial health hazard to the public, and an annoyance and a nuisance to the nonsmoking public; and

WHEREAS, tobacco smoke also creates a substantial health hazard to residents of the Township who may be participating in activities or events in or around buildings owned or leased by the Township; and

WHEREAS, the Board of Supervisors of Township of Northampton understands while it is not in its public policy to deny anyone the right to smoke, a balance must be struck between the right of smokers to smoke and the right of nonsmokers to breathe clean air; and

WHEREAS, the Board of Supervisors of Township of Northampton concludes the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke on Township property; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Township of Northampton, Bucks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

- I. The Code of Ordinances of Northampton Township at Chapter 10, Health and Safety, is hereby amended to add a new Part 3 entitled "Smoke-Free Environment," which reads as follows:

Part 3

Smoke-Free Environment

§10-301. Title.

This Part shall be known and may be cited as the "Northampton Township Smoke-Free Environment Ordinance of 2015."

§10-302. Definitions.

Smoke - the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts. The term "smoke" includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

Smoking - engaging in an act that generates smoke, such as, without limitation, possessing a lighted pipe, a lighted hookah pipe, an operating electronic cigarette, a lighted cigar, or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, cigar, or cigarette of any kind.

Township Property - All properties, buildings, and vehicles owned and leased by the Township of Northampton. Properties include, but are not limited to, the Administration Building, Fire Stations, Rescue Squad Buildings, Public Works Building, Police Station, The Free Library of Northampton Township, The James E. Kinney Senior Center, the Civic Center and all parks and recreation fields.

§10-303. Regulations.

Smoking shall be prohibited on all Township Property as defined in §10-302 of this Ordinance, excepting only those areas located on Township Property that are specifically designated as areas on which Smoking shall be permitted. Any and all such areas located on Township Property on which Smoking shall be permitted shall be determined by the Township Manager or his designee, and shall be identified by a conspicuously posted sign indicating that the area is an area on which Smoking is permitted.

§10-304. Posting of Signs.

"No Smoking" signs, "Smoke-Free" signs, or signs bearing the international "No Smoking" symbol shall be clearly, sufficiently and conspicuously posted on all Township Property at such locations as shall be determined by the Township Manager or his designee. Such signs shall also indicate that violators are subject to the penalty provisions set forth in §10-305. "Smoking Permitted Area" signs shall be clearly, sufficiently and conspicuously posted at those areas located on Township Property that are specifically designated as areas on which Smoking shall be permitted in accordance with §10-304.

§10-305. Penalties.

Any person who violates any provision of this ordinance shall be subject to a fine of not less than twenty-five (\$25) dollars and not more than five hundred (\$500) dollars.

§10-306. Repealer.

All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

§10-307. Severability.


If any section, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudications shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be and shall remain valid and enforceable.

§10-308. Effective Date.

This Ordinance shall take effect upon final adoption, publication, and as otherwise provided by law.

ORDAINED AND ENACTED this 28th day of January 2015.

ATTEST:



Eileen Silver, Secretary

NORTHAMPTON TOWNSHIP



Barry Moore, Chairman

**TOWNSHIP OF NORTHAMPTON
BUCKS COUNTY, PA**

ORDINANCE NO. 580

**AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' PENSION PLAN
OF NORTHAMPTON TOWNSHIP TO CLARIFY THE ADMINISTRATIVE INTENT
CONCERNING OPTIONAL RETIREMENT PROVISIONS AND ADDING A NEW
DEFINED CONTRIBUTION PLAN COMPONENT FOR NEWLY HIRED EMPLOYEES**

This Amendment to the Township of Northampton Non-Uniformed Employees' Pension Plan is made by the Township of Northampton, Bucks County, Pennsylvania (the "Township").

W I T N E S S E T H:

WHEREAS, the Board of Supervisors of the Township of Northampton (the "Township") has previously adopted a Resolution establishing the Township of Northampton Non-Uniformed Employees' Pension Plan (the "Plan"); and

WHEREAS, the Plan was amended and restated, effective January 1, 2009;

WHEREAS, the Township reserved the right to amend the Plan pursuant to section 13.1;

WHEREAS, the Township desires to amend the Plan in order set forth a new defined contribution program for newly hired, non-uniformed, non-union, full-time employees (the "Defined Contribution Program"); and

WHEREAS, the Township now desires that the Plan be further amended to add a defined contribution component to the Plan for certain employees hired on or after January 1, 2015, revise the definition of actuarial equivalent, revise the early retirement provisions, clarify that all deferred vested payments begin upon a participant attaining age 65, and to make other clarifying and conforming changes to the Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF NORTHAMPTON TOWNSHIP THAT ORDINANCE NUMBER 548 KNOWN AS THE NON-UNIFORMED EMPLOYEES' PENSION PLAN IS HEREBY AMENDED AS FOLLOWS:

1. Section 2.4, Definitions is amended to read as follows:

2.4 "Actuarial Equivalent" shall mean a benefit or an amount of actuarial present value on a specified date computed, except as otherwise specified herein, on the basis of the UP-1994 Mortality Table and interest at the rate of seven percent per annum.

2. A new Section 2.10.1 is added to the Plan as follows:

2.10.1 "Early Retirement Age" shall mean age fifty-five (55) and completion of ten (10) Years of Service.

3. A new Section 2.10.2 is added to the Plan as follows:

2.10.2 "Early Retirement Date" shall mean the first day of the calendar month coinciding with or next following the date on which the Participant attains Early Retirement Age.

4. A new Section 2.20.1 is added to the Plan as follows:

2.20.1 "Alternate Normal Retirement Age" shall mean age sixty (60) and completion of thirty (30) Years of Service.

5. A new Section 2.20.2 is added to the Plan as follows:

2.20.2 "Alternate Normal Retirement Date" shall mean the first day of the calendar month coinciding with or next following the date on which the Participant attains Alternate Normal Retirement Age.

6. Section 5.1 to the Plan is amended to read as follows:

An Active Participant whose Covered Employment terminates on or after his attainment of Normal Retirement Age and before his Normal Retirement Date or Alternate Normal Retirement Age and before his Alternate Normal Retirement Date shall be eligible to receive, in the manner set forth in Article VII the normal Retirement Income set forth in Section 6.2.

7. Section 5.2 to the Plan is amended to read as follows:

An Active Participant or Inactive participant who terminates his Covered Employment on or after his Normal Retirement Date or Alternate Normal Retirement Date shall be eligible to receive, in the manner set forth in Article VII, the postponed Retirement Income set forth in Section 6.3.

8. Section 6.1(a) to the Plan is amended to read as follows:

- (a) For a Participant whose Employment began before January 1, 1994, basic Retirement Income, expressed in terms of a monthly amount payable in the form of a single life annuity commencing on his Normal Retirement Date or Alternate Normal Retirement Date, shall be equal to the greater amount of the amount determined under subsection (b) of this Section of an amount equal to greater of:

- (1) 1.0 percent of his Final Monthly Average Salary not in excess of 1,000 dollars, plus, 1.75 percent of his Final Monthly Average Salary in excess of 1,000 dollars,

multiplied by his Years of Service; or

(2) ten dollars multiplied by his Years of Service.

9. Section 6.1(b) to the Plan is amended to read as follows:

(b) For a Participant whose Employment began on or after January 1, 1994, basic Retirement Income, expressed in terms of a monthly amount payable in the form of a single life annuity commencing on his Normal Retirement Date or Alternate Normal Retirement Date, shall be equal to:

(1) 1.5 percent of his Final Monthly Average Salary multiplied by his Years of Service not in excess 30 years; plus

(2) 1.0 percent of his Final Monthly Average Salary multiplied by his Years of Service in excess of 30.

10. Section 6.3(b) to the Plan is amended to read as follows:

(b) For a Participant whose Employment began before January 1, 1994, the Participant's postponed Retirement Income shall not be less than the normal Retirement Income he would have received under Section 6.2 had he retired and begun to receive normal Retirement Income on his Normal Retirement Date or Alternate Normal Retirement Date, but increased by one-half of one percent for each month from and after the Normal Retirement Date or Alternate Normal Retirement Date that payment of the Participant's Retirement Income is postponed.

11. Current Section 6.4(a) of the Plan is removed in its entirety and Section 6.4 shall be amended to read as follows:

6.4 Early Retirement Income. Each Participant may retire on or after his Early Retirement Age. The benefit payable at the Early Retirement Date shall be the benefit described in Section - 6.1, reduced by one-half of one percent for each month that the Early Retirement Date precedes the Normal Retirement Date.

12. Effective January 1, 2015, a new Appendix A shall be added to the Plan as follows:

Applicability: This Appendix A shall apply only to Eligible Employees as defined in Section A-1.08.

**TOWNSHIP OF NORTHAMPTON
MONEY PURCHASE PENSION PLAN
(Effective January 1, 2015)**

**ARTICLE A-I
DEFINITIONS**

- Sec. A-1.01** “**Account**” shall mean the entire interest of a Participant in the Plan. Unless otherwise specified, the value of a Participant’s Account shall be determined as of the Valuation Date coincident with or next following the occurrence of the event to which reference is made. A Participant’s Account shall consist of such of the following as the Participant has under the Plan: (a) Employer Contribution Account; and (b) Employee Contribution Account.
- Sec. A-1.02** “**Anniversary Date**” shall mean the last day of the Plan Year.
- Sec. A-1.03** “**Beneficiary**” shall mean the persons or entities designated by the Participant in writing to be his/her Beneficiaries hereunder in accordance with Section A-7.02.
- Sec. A-1.04** “**Benefit Commencement Date**” shall mean the first day of the first period for which an amount is paid in any form.
- Sec. A-1.05** “**Compensation**” shall mean:
- (a) In General. “Compensation” shall mean the Participant’s gross pay before any payroll deductions. Compensation shall exclude any amounts paid after termination of employment.
 - (b) Limitation on Applicable Compensation. In addition to other applicable limitations set forth in the Plan, and notwithstanding any other provision of the Plan to the contrary, the Compensation of each Participant taken into account under the Plan shall not exceed \$200,000, as adjusted by the Commissioner of Internal Revenue for increases in the cost of living in accordance with Internal Revenue Code Section 401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning with or within such calendar year. If a determination period consists of fewer than 12 months, the annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12. Notwithstanding the foregoing, Compensation may not include amounts that are not included in compensation for purposes of the limit imposed under Section A-4.01.
- Sec. A-1.06** “**Computation Period**” shall mean the period of twelve (12) consecutive months designated as the Vesting Computation Period, as indicated by the context of usage.
- Sec. A-1.07** “**Effective Date**” shall mean January 1, 2015.

- Sec. A-1.08** “**Eligible Class Employee**” shall mean any person hired by the Employer on or after January 1, 2015 as either; (i) a non-union Employee or (ii) a union Employee who is permitted to participate in the Plan pursuant to the terms of an applicable collective bargaining agreement with the Employer employed on a full-time basis (at least 37.5 hours per week); and is not a police officer. Any Union Employee that is employed by the Employer on January 1, 2015 is not an Eligible Class Employee unless otherwise so provided pursuant to the terms of the applicable collective bargaining agreement with the Employer. Part-time employees subsequently hired on a full-time basis shall be eligible to participate in the Plan as of the date of hire as a full-time employee and time worked as a part-time employee shall not count toward participation in the Plan.
- Sec. A-1.09** “**Employee**” shall mean each person in the employ of the Employer and is not a police officer.
- Sec. A-1.10** “**Employer**” shall mean the Township of Northampton, Bucks County, Pennsylvania, its successors and assigns.
- Sec. A-1.11** “**Employer Contribution Account**” shall mean that portion of a Participant’s Account consisting of Employer contributions pursuant to Section A-3.01(b) of the Plan, and the earnings and accretions attributable thereto.
- Sec. A-1.12** “**Internal Revenue Code**” or “**Code**” shall mean the Internal Revenue Code of 1986 as the same may be amended from time to time.
- Sec. A-1.13** “**Normal Retirement Age**” shall mean the date on which the Participant attains age sixty-five (65).
- Sec. A-1.14** “**Participant**” shall mean any person who has been or who is an Eligible Class Employee of the Employer and who has been admitted to participation in this Plan pursuant to the provisions of Article II. The term “Participant” shall include Active Participants (those who are currently eligible to share in Employer contributions to the Plan), Retired Participants (those former Employees presently receiving benefits under the Plan or immediately entitled to receive such benefits), and Vested Participants (Employees and former Employees who are no longer Active Participants, any of whom are or may become entitled at some future date to the distribution of benefits from this Plan by reason of their having been Active Participants herein).
- Sec. A-1.15** “**Participant Contribution Account**” shall mean that portion of a Participant’s Account consisting of Employee contributions pursuant to Section A-3.01(a) of the Plan, and the earnings and accretions attributable thereto.
- Sec. A-1.16** “**Plan**” shall mean the Township of Northampton Money Purchase Pension Plan as set forth in this Appendix A and as the same may from time to time hereafter be amended. This Plan is intended to satisfy the requirements of Section 401(a) of the Internal Revenue Code as a governmental money purchase pension plan. For

purposes of the Code, the Plan is a separate plan from the Non-Uniformed Employees' Pension Plan of the Township of Northampton ("Pension Plan") and assets held in trust under this Plan may not be commingled with or otherwise used to pay benefits under the Pension Plan.

Sec. A-1.17 "Plan Administrator" shall mean the person or committee named as such pursuant to the provisions hereof, or, in the absence of any such appointment, the Employer.

Sec. A-1.18 "Plan Year" shall mean the twelve-month period commencing each January 1 and ending on the subsequent December 31.

Sec. A-1.19 "Required Beginning Date" shall mean the April 1 of the calendar year next following the calendar year in which the Participant attains age 70½, or if later, the April 1 of the calendar year next following the calendar year in which he/she retires.

Sec. A-1.20 "Spouse" shall mean (a) the person to whom the Participant was married on his/her Benefit Commencement Date, or (b) if the Participant's Benefit Commencement Date had not occurred at the time of his/her death, the person to whom the Participant was married at the time of his/her death.

Sec. A-1.21 "Valuation Date" shall mean the last day of the Plan Year (the "Annual Valuation Date") and each other interim date during the Plan Year on which a valuation of the Fund is made.

Sec. A-1.22 "Vesting Computation Period" shall mean each 12 month period of employment with the Employer beginning on the Employee's date of hire and ending on the Employee's date of termination of employment.

Sec. A-1.23 "Year of Service" shall have the following meanings when used in this Plan:

- (a) When applied to vesting provisions, a "Year of Service" shall mean each Vesting Computation Period.

ARTICLE A-II PARTICIPATION ELIGIBILITY

Sec. A-2.01 Initial Eligibility. Every Eligible Class Employee shall become eligible for Plan participation on his/her date of hire as a full-time employee working at least 37.5 hours each week.

Sec. A-2.02 Procedure for and Effect of Admission. Each Eligible Class Employee who becomes eligible for admission to participation in this Plan shall complete such forms and provide such data as are reasonably required by the Plan Administrator in order to become a Participant. By becoming a Participant, each Employee shall for all purposes be deemed conclusively to have assented to the terms and provisions of this Plan and to all Plan amendments.

Sec. A-2.03 Changes in Status. In the event that a person who has been in the employ of the Employer in a category of employment not eligible for participation in this Plan subsequently becomes an Eligible Class Employee of the Employer by reason of a change in status to a category of employment eligible for participation, he/she shall, subject to Section A-2.02, become a Participant as of the date on which occurs such change to Eligible Class Employee status.

Sec. A-2.04 Defined Benefit Plan Limitation. An Eligible Employee that participates in the Township of Northampton Money Purchase Pension Plan as set forth in this Appendix A shall not be eligible to participate in the defined benefit component of the Non-Uniformed Employees' Pension Plan of Northampton Township.

ARTICLE A-III CONTRIBUTIONS

Sec. A-3.01 Determination of Amount.

- (a) Participant Contributions. Participants are required to contribute an amount equal to five percent (5.0%) of Participant's Compensation at each bi-weekly payroll period into their Account on a pre-tax basis under Internal Revenue Code Section 414(h)(2).

Effective January 1, 2015, the Employer shall "pick-up" the required Participant Contributions hereunder pursuant to the provisions of Internal Revenue Code Section 414(h)(2) which shall cause the Participant contributions to be reclassified from Employee Contributions to Employer contributions and shall not cause any increase in the amount of an Employee's Compensation.

- (b) Employer Contributions. The Employer shall contribute an amount equal to five percent (5.0%) of each Participant's Compensation at each bi-weekly payroll period into the Account of each plan participant.
- (c) Rollover Contributions. Participants shall be entitled to contribute Rollover Amounts to the Plan in accordance with procedures established by the Plan Administrator.

Sec. A-3.02 Timing of Contributions. Employer shall pay its contribution made with respect to any payroll period on or before the last day of the sixth complete month following the last day of the payroll period.

Sec. A-3.03 Contingent Nature of Contributions. Each contribution made by the Employer pursuant to the provisions of Section A-3.01 hereof is hereby made expressly contingent on the exclusion thereof for Federal income tax purposes with respect to the Participants for whom contribution is made.

Sec. A-3.04 Exclusive Benefit; Refund of Contributions. All contributions made by the Employer are made for the exclusive benefit of the Participants and their Beneficiaries, and such contributions shall not be used for nor diverted to purposes other than for the exclusive benefit of the Participants and their Beneficiaries (including the costs of maintaining and administering the Plan). Notwithstanding the foregoing, to the extent that such refunds do not, in themselves, deprive the Plan of its qualified status, refunds of contributions shall be made to the Employer under the following circumstances and subject to the foregoing limitations:

- (a) Mistake of Fact. In the case of a contribution which is made in whole or in part by reason of a mistake of fact (for example, incorrect information as to the eligibility or compensation of an Participant, or a mathematical error), so much of the Employer contribution as is attributable to the mistake of fact shall be returnable to the Employer upon demand. Repayment must be effectuated within one (1) year after the payment of the contribution to which the mistake applies.
- (b) Exclusive Benefit; Refund of Contributions. In the event that any refund of amounts contributed pursuant to Section A-3.01(a) or Section A-3.01(b) is paid to the Employer hereunder, such refund shall be made without interest and shall be deducted from among the Employer Contribution Accounts or Participant Contribution Accounts of the Participants, as the case may be, except to the extent that the amount of the refund can be identified to one or more specific Participants (as in the case of certain mistakes of fact) in which case the amount of the refund identifiable to each such Participant's Account shall be deducted directly from such Account.

ARTICLE A-IV LIMITATIONS ON CONTRIBUTIONS

Sec. A-4.01 Annual Additions Limitations.

- (a) Incorporation of Code section 415 by Reference. Notwithstanding anything contained in this Section A-4.01 to the contrary, the limitations, adjustments, and other requirements prescribed in Section A-4.01 shall at all times comply with the provisions of Internal Revenue Code section 415 and the Regulations thereunder (as such apply to governmental plans), the terms of which are specifically incorporated herein by reference.
- (b) Compliance with Treasury Regulations. The Plan will comply with the final Treasury regulations under Internal Revenue Code section 415, which are incorporated into the Plan by reference. Consistent with those regulations, a Participant's compensation for purposes of the limit imposed under this Section A-4.01 includes regular compensation for services during an employee's regular working hours, or compensation for services outside of regular working hours (such as overtime and shift differential), commissions, bonuses or other similar payments if (i) such amounts would have been paid to the employee prior to severance of employment if employment had continued and (ii) such amounts are actually paid by

the later of 2½ months after severance of employment or the end of the limitation year in which severance of employment occurs (the “latest permissible date”). Compensation for purposes of the limit imposed under this Section A-4.01 includes:

- (1) Any payments for unused accrued bona fide sick, vacation or other leave if (i) the employee would have been able to use the leave if employment had continued and (ii) such payments were actually paid by the latest permissible date.
 - (2) Any amounts received by an employee pursuant to a nonqualified deferred compensation plan if (i) the amount would have been paid to the employee if the employee had continued employment, (ii) only to the extent the amounts are includible in the employee’s gross income and (iii) such payments were actually paid by the latest permissible date.
 - (3) Any amounts of salary continuation payments made to an individual during periods in which the individual does not perform services due to qualified military service (as defined in Section 414(u)(1) of the Code) to the extent the payments do not exceed the amounts the individual would have received if the individual would have continued performing services.
 - (4) Any amounts of salary continuation payments made to an individual who is permanently and totally disabled (as defined in Section 22(e)(3) of the Code).
- (c) Compensation Includes Differential Pay. Notwithstanding anything contained in this Section A-4.01 to the contrary, a Participant’s Compensation, for purposes of the limit imposed under this Section A-4.01, includes military wage differential payments (as such term is used in IRS Notice 2010-15).

Sec. A-4.02 Elimination of Excess Amount. In the event that the limit imposed under Section A-4.01 is exceeded with respect to any Participant for a limitation year, the Plan shall eliminate such excess amount in accordance with the Internal Revenue Service’s Employee Plans Compliance Resolution System or pursuant to any other correction method permitted by law.

ARTICLE A-V ADMINISTRATIVE PROVISIONS

Sec. A-5.01 Investment of Assets. All contributions shall be invested in accordance with the Plan.

Sec. A-5.02 Investment Direction By Participants.

- (a) Rights of Participants. To the extent that the Plan Administrator has established investment categories for Participant investment direction, each Participant shall have the right to designate the investment category or categories in which the Plan is

to invest amounts allocated to such Participant's Account from contributions made by the Employer.

- (b) Changes in Investment Directions. Any designation of investment categories by a Participant shall be made in the manner prescribed by the Plan Administrator and shall be made at such reasonable times as shall be determined by the Plan Administrator.
- (c) Available Investment Categories. There shall be offered such investment categories as shall be determined in accordance with uniform non-discriminatory rules prescribed by the Plan Administrator from time to time.
- (d) Limitations on Division of Investments. Any Participant may elect as to the allocation among investment categories for the investment of future contributions in such percentages and at such time as shall be determined in accordance with uniform non-discriminatory rules prescribed by the Plan Administrator.
- (e) Failure to Elect Investment Categories. In the absence of any written designation of investment category preference, the Plan Administrator shall invest all funds received on account of any Participant in the investment category selected by the Plan Administrator. Any designation of investment category by any Participant shall, on its effective date, cancel any prior designation by that Participant with respect to investment of future contributions.
- (f) Annuity Contract or Trust. Notwithstanding any instruction from any Participant, the terms of any applicable annuity or trust agreement shall control investment of Plan assets.

ARTICLE A-VI RETIREMENT BENEFITS

- Sec. A-6.01 Normal Retirement Benefit.** The Normal Retirement Benefit payable with respect to any Participant retiring at his/her Normal Retirement Age shall be equal to one hundred percent (100%) of his/her Account as of the appropriate Valuation Date coincident with or following the Participant's Normal Retirement Age.
- Sec. A-6.02 Deferred Vested Benefits.** A Participant shall be entitled to receive deferred vested benefits in accordance with Section A-9.02(c).
- Sec. A-6.03 Late Retirement.** A Participant may continue to work beyond his Normal Retirement Date subject to the Employer's rules and regulations regarding retirement age. If a participant who has met the requirements of Section A-6.01 shall continue to work beyond his Normal Retirement Date, there shall be no retirement benefits paid until employment ceases and retirement begins.

Sec. A-6.04 Disability Retirement. A Participant who is unable to perform any customary duties of employment with the Employer due to mental or physical injury or illness and qualifies for Social Security Disability benefits shall be entitled to a disability retirement benefit equal to the Participant's Normal Retirement Benefit calculated in accordance with Section A-6.01.

ARTICLE A-VII DEATH BENEFITS

Sec. A-7.01 Payment of Death Benefits. Except as provided below, upon the death of a Participant, a death benefit equal to the balance of the Participant's vested interest in his/her Account shall be paid to the Participant's Beneficiary.

Sec. A-7.02 Beneficiary Designation.

- (a) Beneficiary Designation Right. Each Participant shall have the right to designate one or more primary and one or more contingent Beneficiaries to receive any benefit becoming payable pursuant to this Article A-VII. All Beneficiary designations shall be in writing in a form satisfactory to the Plan Administrator. Each Participant shall be entitled to change his/her Beneficiaries at any time in accordance with procedures established by the Plan Administrator.

In the event a Participant does not designate a Beneficiary, the primary Beneficiary of each married Participant shall be his/her spouse, and if there is no spouse or if the Participant is unmarried, the Participant's estate.

- (b) Termination of Beneficiary Designation. Any designation of Beneficiary by a Participant pursuant to Paragraph (a) of this section shall become null and void upon the marriage of the Participant subsequent to the date on which such designation was made.
- (c) Miscellaneous. Changes in Beneficiary designations shall become effective only upon receipt of a form by the Plan Administrator, but upon such receipt the change shall relate back to and take effect as of the date the Participant signed the request (which shall be presumed to be the date appearing on such form, or, if there be none, then the date of the Participant's death) whether or not the Participant is living at the time of such receipt. The Plan Administrator shall not be liable by reason for any payment of the Participant's death benefit made before the receipt of any acceptable form designating or changing the designation of the Beneficiary.

Any change of Beneficiary designation filed in proper form with the Plan Administrator shall revoke all prior Beneficiary designations. The Plan Administrator shall be the sole determinant of the acceptability of a Beneficiary designation or change of Beneficiary designation.

ARTICLE A-VIII VESTING PROVISIONS

Sec. A-8.01 Full and Immediate Vested Interests. All Participants shall at all times be fully vested in their respective Employees Contributions and Rollover Amounts.

Sec. A-8.02 Deferred Vested Interests. The Participant's vested interest in his/her Employer Matching Contribution Account and his/her Employer Base Contribution Account shall be determined from the following table as of any date of reference:

<u>Participant's Years of Service</u>	<u>Participant's Vested Percentage</u>
Less than 5 Years of Service	0%
5 years but less than 6 years	50%
6 years but less than 7 years	60%
7 years but less than 8 years	70%
8 years but less than 9 years	80%
9 years but less than 10 years	90%
10 years or more	100%

Sec. A-8.03 Forfeiture of Non-Vested Accounts. Accounts of non-vested Participants shall be forfeited upon termination of employment and shall not be subject to reinstatement.

Sec. A-8.04 Allocation of Forfeitures. Any forfeitures arising under the Plan shall be used to reduce the Employer contributions as required to be made pursuant to Sec. A-3.01.

ARTICLE A-IX METHODS AND TIMING OF BENEFIT DISTRIBUTIONS

Sec. A-9.01 Forms of Benefit Payments.

- (a) Normal Form of Benefits. Benefits shall normally be paid as a single lump sum distribution.

Sec. A-9.02 Benefit Commencement Dates.

- (a) Retirement Benefits. Benefits payable by reason of a Participant's retirement are payable as soon as administratively practicable following the Valuation Date of the Plan coincident with or next following the event entitling the Participant to such distribution. However, if a Participant does not submit a request describing the date that his benefit is to commence, the Participant will be deemed to have elected to postpone benefit commencement until the time such Participant elects (in the form and manner prescribed by the Plan Administrator) to commence benefit payments. Notwithstanding the foregoing, the Participant's Benefit Commencement Date shall in no event be later than his/her Required Beginning Date.

- (b) Death Benefits. Upon the beneficiary's election, benefits payable by reason of the death of the Participant shall commence and be paid within one (1) year of the date of the Participant's death in a single lump sum.
- (b) Deferred Vested Benefits. Benefits payable to a Participant by reason of a separation from service (other than due to retirement or death) prior to his/her retirement shall be payable, as of the date that would have been the Participant's Normal Retirement Age, and shall not, in any event, be deferred beyond the Participant's Required Beginning Date. Notwithstanding the foregoing, a terminated Vested Participant shall have the right to request a distribution of any benefit to which he/she is entitled pursuant to Article A-VIII as of any earlier Valuation Date coincident with or next following the date of such request, and the Plan Administrator shall have the right to pay any such benefit, if the Participant consents to such benefit distribution in writing. No distribution of such benefit shall occur prior to a termination of employment.

Sec. A-9.03 Direct Rollover.

- (a) In General. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this section, a Distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.
- (b) For purposes of this section, the following definitions shall apply:
 - (1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code or any qualified trust or Code section 403(b) plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

- (2) "Eligible Retirement Plan" is a qualified trust described in Code section 401(a), an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), an annuity contract described in Code section 403(b), an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan.
 - (3) "Distributee" includes a Participant or former Participant. In addition, the Participant's or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code section 414(p), are Distributees with regard to the interest of the spouse or former spouse.
 - (4) "Direct Rollover" is a payment by the Plan to the eligible retirement plan specified by the Distributee or the Plan Administrator, if the Distributee does not make an election.
 - (5) Direct Rollovers may be made to a Roth IRA described in Section 408A of the Internal Revenue Code to the extent that the applicable requirements of Code section 408A are satisfied with respect to any direct rollover to such Roth IRA.
- (c) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Non-spouse Beneficiary's election under this section, a Nonspouse Beneficiary may elect to have any portion of a Plan distribution (that is payable to such Non-spouse Beneficiary due to a Participant's death) paid in a direct trustee-to-trustee transfer to an individual retirement account described in Code section 408(a) or to an individual retirement annuity described in Section 408(b) (other than an endowment contract) that has been established for the purposes of receiving the distribution on behalf of such Non-spouse Beneficiary. For these purposes, a "Non-spouse Beneficiary" is an individual who is a designated beneficiary (as defined by Section 401(a)(9)(E) of the Internal Revenue Code) of a Participant and who is not the surviving spouse of such Participant.

Sec. A-9.04 Required Distributions.

- (a) Notwithstanding any other provision of this Plan, the entire benefit of any Participant who becomes entitled to benefits prior to death shall be distributed either:
 - (1) not later than the Required Beginning Date, or

- (2) over a period beginning not later than the Required Beginning Date and extending over the life of such Participant or over the lives of such Participant and a designated Beneficiary (or over a period not extending beyond the life expectancy of such Participant, or the joint life expectancies of such Participant and a designated Beneficiary).

If a Participant who is entitled to benefits under this Plan dies prior to the date when the entire interest has been distributed after distribution of the benefits has begun in accordance with paragraph (2) above, the remaining portion of such benefit shall be distributed at least as rapidly as under the method of distribution being used under paragraph (2) as of the date of the death.

- (b) If a Participant who is entitled to benefits under this Plan dies before distribution of the benefit has begun, the entire interest of such Participant shall be distributed within five (5) years of the death of such Participant, unless the following sentence is applicable. If any portion of the Participant's interest is payable to (or for the benefit of) a designated Beneficiary, such portion shall be distributed over the life of such designated Beneficiary (or over a period not extending beyond the life expectancy of such Beneficiary), and such distributions begin not later than one (1) year after the date of the Participant's death or such later date as provided by regulations issued by the Secretary of the Treasury, then for purposes of the five-year rule set forth in the preceding sentence, the benefit payable to the Beneficiary shall be treated as distributed on the date on which such distributions begin. Provided, however, that notwithstanding the preceding sentence, if the designated Beneficiary is the surviving spouse of the Participant, then the date on which distributions are required to begin shall not be earlier than the date upon which the Participant would have attained age seventy and one-half (70½) and, further provided, if the surviving spouse dies before the distributions to such spouse begin, this subparagraph shall be applied as if the surviving spouse were the Participant.
- (c) For purposes of this section, the following definitions and procedures shall apply:
 - (1) "Required Beginning Date" shall mean April 1 of the calendar year following the later of the calendar year in which the Participant attains age seventy and one-half (70½), or the calendar year in which the Participant retires.
 - (2) The phrase "designated Beneficiary" shall mean any individual designated by the Participant under this Plan according to its rules.
 - (3) Any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child's reaching majority (or other designated event permitted under regulations issued by the Secretary of the Treasury).
 - (4) For purposes of this section, the life expectancy of a Participant or the Participant's spouse (other than in the case of a life annuity) may be re-determined but not more frequently than annually.

- (d) General Rules. The requirements of this Section A-9.04 will take precedence over any inconsistent provisions of the Plan. All distributions required under this Section A-9.04 will be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the Treasury regulations thereunder, and the Employer's good faith interpretation of such Code and Regulations.

Sec. A-9.05 Veterans' Survivor Benefits. Notwithstanding any other provision of the Plan to the contrary, in the case of the death of a Participant while performing qualified military service (as defined in Code section 414(u)), the survivors of the Participant are entitled to any additional benefits under the Plan (if any, other than benefit accruals related to the period of such service which wouldn't otherwise be credited) had the Participant resumed and then terminated employment on account of death.

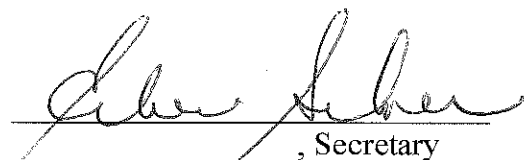
ARTICLE A-X ADMINISTRATION

The Plan is administrated in accordance with Article XII and Article XV of the Non-Uniformed Employees' Pension Plan of the Township of Northampton. In order to maintain the terms of the Plan in a single document, this Amendment may be incorporated into the most recent restatement of the Plan.

In all other respects the Non-Uniformed Employee's Pension Plan of Northampton Township is continued in full force and effect.

ORDAINED AND ENACTED by the Board of Supervisors of Northampton Township this 28th Day of January 2015.

BOARD OF SUPERVISORS OF NORTHAMPTON TOWNSHIP


_____, Secretary


_____, Chairman

ORDINANCE NO. 581

NORTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING THE CODE OF NORTHAMPTON TOWNSHIP,
SPECIFICALLY CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, FOR THE
PURPOSE OF ADDING AND AMENDING SECTIONS RELATED TO
PROHIBITED PARKING AND ESTABLISHING PENALTIES AND CHAPTER
16, PARKS AND RECREATION, FOR THE PURPOSE OF AMENDING RULES
RELATED TO PARKS AND RECREATION**

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of Northampton Township as follows:

SECTION 1. CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, Part 4, General Parking Regulations, is hereby amended to add the following to **Section §15-403., Parking Prohibited in Certain Locations, Certain Days and Hours**. All other language of said section shall remain unchanged.

§15-403. Parking Prohibited in Certain Locations, Certain Days and Hours.

Street	Side	Between	Days	Hours
Revere Drive	East	125 feet north and 250 feet south of Marion Court	School Days	9 a.m. to 12 p.m.

SECTION 2. CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, Part 4, General Parking Regulations, is hereby amended to delete **Section §15-412., Penalties.**, and to rewrite it as follows:

§15-412. Penalties.

Any person who violates any provision of this Part, upon conviction, shall be sentenced to pay a fine of not more than \$50 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part indicating, in each the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report

to the office of the Chief of Police and pay the sum of \$15 within 48 hours after the time of the notice that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

SECTION 3. CHAPTER 16, PARKS AND RECREATION, Part 1, Rules for Parks, Recreation Areas, Open Space Areas and Public Property, is hereby amended to delete **Section §16-101.L., Unlawful Activities.,** and to rewrite it as follows:

§16-101.L. Unlawful Activities.

L. Take part in or abet the playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, model airplanes, drones, unmanned aerial vehicles, or similar flying vehicles, except in those areas set apart for such forms of recreation. Games such as football, baseball, golf and lacrosse are prohibited except on the fields and courts or areas provided expressly therefor. The athletic fields, courts, and field equipment are to only be used for their intended purposes unless prior approval is granted.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 5. REPEALER.

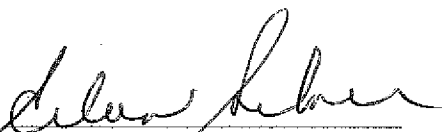
All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and **ENACTED** by the Board of Supervisors of Northampton Township

this 22nd day of July, 2015.

BOARD OF SUPERVISORS
NORTHAMPTON TOWNSHIP


Barry Moore, Chairman

ATTEST: 
Eileen Silver, Secretary

6/24/15