

Code of Ordinances of the Borough of Hatboro

DISCLAIMER

The electronic version of the Borough of Hatboro Code of Ordinances is not the document of issue and the Borough of Hatboro printed and published Code remains the primary source and document of issue for all purposes. In the event of a conflict between the electronic version of the Code of Ordinances and the official printed Borough of Hatboro Code of Ordinances, the official printed Code of Ordinances shall govern. Copies of the official Borough of Hatboro Code of Ordinances may be purchased from the Borough. The user is advised that there may be amendments to the Code of Ordinances which have been enacted after the last revision date of the electronic version of the Code of Ordinances.

Keystone Publishers, Inc. makes no warranty, express or implied, with respect to the accuracy or completeness of the electronic version of the Code of Ordinances or the capability of the electronic version of the Code of Ordinances, and all liability with respect thereto is expressly disclaimed. The service and system is furnished by KPI on an "as is," as available basis. All warranties of merchantability and fitness for a particular purpose are expressly disclaimed. No representation or demonstration shall constitute a warranty of the electronic version of the Code of Ordinances unless expressly incorporated into an agreement between the parties.

Code of Ordinances
of the
Borough of Hatboro
Montgomery County, Pennsylvania

Published by Authority of the Borough

Adopted by *Ord. 1005*, 5/23/2011

KEYSTATE PUBLISHERS, INC.
300 West King Street, P.O. Box 366
Shippensburg, PA 17257

CONTENTS

Municipal Officials	v	
Foreword	vii	
Adopting Ordinance	ix	
Chapter 1	Administration and Government	1-1
Chapter 2	Animals	2-1
Chapter 3	[Reserved]	3-1
Chapter 4	Buildings	4-1
Chapter 5	Code Enforcement	5-1
Chapter 6	Conduct	6-1
Chapter 7	Emergency Management Services	7-1
Chapter 8	[Reserved]	8-1
Chapter 9	[Reserved]	9-1
Chapter 10	Health and Safety	10-1
Chapter 11	Housing	11-1
Chapter 12	Libraries	12-1
Chapter 13	Licenses, Permits and General Business Regulations	13-1
Chapter 14	[Reserved]	14-1
Chapter 15	Motor Vehicles and Traffic	15-1
Chapter 16	Parks and Recreation	16-1
Chapter 17	[Reserved]	17-1
Chapter 18	Sewers and Sewage Disposal	18-1
Chapter 19	[Reserved]	19-1
Chapter 20	Solid Waste	20-1
Chapter 21	Streets and Sidewalks	21-1
Chapter 22	Subdivision and Land Development	22-1
Chapter 23	Stormwater Management	23-1
Chapter 24	Taxation; Special	24-1
Chapter 25	Trees	25-1
Chapter 26	Water	26-1
Chapter 27	Zoning	27-1
<u>Appendix</u>		
A	Annexation of Territory	A-3
B	Bond Issues and Loans	A-5
C	Franchises and Services	A-9
D	Governmental and Intergovernmental Affairs	A-11
E	Plan Approval	A-15
F	Public Property	A-17
G	Sewers	A-19
H	Streets and Sidewalks	A-21
I	Water	A-29
J	Zoning; Prior Ordinances	A-31
Table of Disposition of All Ordinances		K-1
Table of Disposition of Significant Resolutions		KR-1
Index		I-1

Officials
of the
Borough of Hatboro
County of
Montgomery, Pennsylvania

ELECTED OFFICIALS

Mayor - Norm Hawkes

Borough Council

President - Marianne Reymer
Vice President - Nancy Guent
- Aleta Ostrander
- Patricia Fleming
- Vincent LaSorsa
- Bill Tompkins
- John Zygmont

Tax Collector - Judith Emig

APPOINTED OFFICIALS

Manager - Steven J. Plaughter
Secretary - Steven J. Plaughter
Code Officer - Keith Fugate
Solicitor - Friedman Schuman, P.C.
Engineer - Gilmore & Associates, Inc.
Auditor - Lopez, Teodosio & Larkin, LLC

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Hatboro. The Borough of Hatboro was originally settled in 1735 and was incorporated as a Borough on August 26, 1871. The Borough of Hatboro was formed from parts of Moreland Township.

The Code of Ordinances of the Borough of Hatboro was prepared by Keystate Publishers, Inc., and adopted by the Borough of Hatboro Borough Council on May 23, 2011 by *Ord. 1005*.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough of Hatboro contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Table of the disposition of each ordinance ever enacted by the Borough of Hatboro, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Table of disposition indicates what action has been taken by the Borough of Hatboro Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Table. The Table is a cross reference to the original ordinance books of the Borough of Hatboro, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 1005

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

The Borough of Hatboro hereby ordains:

Section 1. Adoption. The *Borough of Hatboro Code of Ordinances* as prepared and published for the said Borough of Hatboro, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Hatboro. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough of Hatboro organized as follows:

TABLE OF CONTENTS

Chapter 1 Administration and Government
Chapter 2 Animals
Chapter 3 [Reserved]
Chapter 4 Buildings
Chapter 5 Code Enforcement
Chapter 6 Conduct
Chapter 7 Emergency Management Services
Chapter 8 [Reserved]
Chapter 9 [Reserved]
Chapter 10 Health and Safety
Chapter 11 Housing
Chapter 12 Libraries
Chapter 13 Licenses, Permits and General Business Regulations
Chapter 14 [Reserved]
Chapter 15 Motor Vehicles and Traffic
Chapter 16 Parks and Recreation
Chapter 17 [Reserved]
Chapter 18 Sewers and Sewage Disposal
Chapter 19 [Reserved]
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development
Chapter 23 Stormwater Management
Chapter 24 Taxation; Special
Chapter 25 Trees
Chapter 26 Water
Chapter 27 Zoning

APPENDIX

A Annexation of Territory

- B Bond Issues and Loans
- C Franchises and Services
- D Governmental and Intergovernmental Affairs
- E Plan Approval
- F Public Property
- G Sewers
- H Streets and Sidewalks
- I Water
- J Zoning; Prior Ordinances

Table of Disposition of All Ordinances
 Table of Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough of Hatboro shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the “Borough of Hatboro Code of Ordinances,” and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Borough of Hatboro Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough of Hatboro Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
		[Reserved]

B. *Revisions.*

Section	Subject	Ordinance No., Section
		[Reserved]

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§1-601–1-606	Fire Insurance Proceeds Escrow
§§5-201–5-202	Property Maintenance Code
§§5-301–5-302	Fire Code
§§20-201–20-210	Municipal Waste Management

B. Amendments.

Section	Subject	Ordinance No., Section
§2-108	Penalties	907, §2-108
§2-204	Penalties	907, §2-204
§4-104	Placing of Building Numbers	604, §4; 907, §4-104
§4-106	Penalty	604, §7; 825, §7; 907, §4-106
§6-104	Penalties for Violation	907, §6-204
§6-201	Definitions	521, §1
§6-205	Enforcement; Violations and Penalties	521, §V; 877, §5; 907, §6-305
§6-403	Violations and Penalties	975, §603
§6-405	License; Fee	975, §605
§6-502	Sexual Offender and Sexual Predator Residence Prohibition; Penalties; Exceptions	965, §2
§6-609	Penalties	907, §6-509
§7-101	Word Usage; Terms Defined	871, §1
§10-211	Violations and Penalties	759, §11; 824; 907, §10-211; 977
§10-309	Payment of Charges; Hearing	618, §10
§11-207	Code Compliance	939, §207
§13-311	Violations and Penalties	791, §81-11; 828, §11; 907, §13-311
§13-704	Penalties	907, §13-804
§15-102	Manner of Adopting Permanent Traffic and Parking Regulations	948
§16-107	Violation and Penalties	976
§21-105	Establishment Curb and Sidewalk Requirements and of Grades, Lines, and Specifications	784, §5

Section	Subject	Ordinance No., Section
§21-305	Penalties	907, §21-305
§23-804	Penalties	956, §804
Appendix 23-C	Performance Standards–Design Criteria–Maintenance of Facilities	956, App. C
§24-101	Earned Income Tax	851, §601
§24-108	Fines and Penalties for Violation of Ordinances	851, §608; 907, §24-108
§25-109	Violations and Penalties	888, §9; 907, §25-109

C. *Repeals.*

Ord./Res.	Subject
	[Reserved]

Section 6. Adoption of Standard Codes by Reference. As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Section	Short Title
	[Reserved]

Section 7. Land Use Amendments. The Borough of Hatboro Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. *New Provisions.* The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Section	Subject
22, Entire Chapter	Subdivision and Land Development

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

Section	Subject	Ordinance No., Section
§27-201	Meaning of Words	761, §200
§27-202	Definition of Terms	761, §201; 798; 859; 958; 967, §3; 971, §1
§27-408	Accessory Uses	761, §407; 798
§27-411	Projections into Required Yards	761, §40

Section	Subject	Ordinance No., Section
§27-414	Removal of Topsoil	761, §413
§27-418	Condominium Ownership	761, §417
§27-423	Private Swimming Pools	761; 798
§27-501	Declaration of Legislative Intent	761, §500; 813; 910, §1; 945
§27-505	Prohibited Uses	761, §504; 813; 945
§27-506	Uses Permitted by Special Exception	761, §505; 813; 945
§27-509	Standards for Approval of Uses by Special Exception	761, §508; 813; 945
§27-510	Standards for Approval of Uses by Variance	761, §509; 813; 945
§27-511	Uses, Buildings, and Structures Rendered Nonconforming by the Adoption of this District	761, §510; 813; 945
§27-803	Development Regulations	761, §802; 798; 864
§27-902	Use Regulations	761, §901; 798; 864
§27-904	Garden Apartment and Townhouse Development Regulation for R-4 District	761, §903; 864
§27-1001	Declaration of Legislative Intent	761, §1000
§27-1701	Purpose and Legislative Intent	761
§27-1702	Definitions	761
§27-1703	Overall Policy and Desired Goals for Permits for Wireless Telecommunications Facilities	761
§27-1704	Exceptions from a Permit for Wireless Telecommunications Facilities	761
§27-1705	Exclusions	761
§27-1706	Location of Wireless Telecommunications Facilities	761
§27-1707	Shared Use of Wireless Telecommunications Facilities and Other Structures	761
§27-1708	Height of Telecommunications Tower(s)	761
§27-1709	Visibility of Wireless Telecommunications Facilities	761
§27-1710	Security of Wireless Telecommunications Facilities	761
§27-1711	Signage	761
§27-1712	Lot Size and Setbacks	761
§27-1713	Retention of Expert Assistance and Reimbursement by Applicant	761

Section	Subject	Ordinance No., Section
§27-1714	Public Hearing and Notification Requirements	761
§27-1715	Action on an Application for a Permit for Wireless Telecommunications Facilities	761
§27-1716	Extent and Parameters of Permit for Wireless Telecommunications Facilities	761
§27-1717	Application Fee	761
§27-1718	Permit Application and Other Requirements for a New Tower or for Increasing the Height of the Structure to Which a Wireless Telecommunications Facility Shall Be Attached	761
§27-1719	Requirements for an Application to Attach to an Existing Tower or Other Structure Without Increasing the Height of the Tower or Structure to Which the Wireless Telecommunications Facility Is to Be Attached	761
§27-1720	Removal and Performance Security	761
§27-1721	Reservation of Authority to Inspect Wireless Telecommunications Facilities	761
§27-1722	Liability Insurance	761
§27-1723	Indemnification	761
§27-1724	Fines	761
§27-1725	Default and/or Revocation	761
§27-1726	Removal of Wireless Telecommunications Facilities	761
§27-1727	Conflict with Other Laws	761
§27-1905	Additional Sign Regulations by Zoning District	761, §1704; 937; 940; 967, §8
§27-2202	Duties and Powers of Zoning Officer	761, §2001
§27-2403	Penalties	761, §2202

C. *Repealed Provisions.* The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike-through~~, and are as follows:

Section	Subject	Ordinance No., Section
	[Reserved]	

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough of Hatboro ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;

- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

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

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough of Hatboro Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough of Hatboro Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Borough of Hatboro. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough of Hatboro that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 23rd day of May, 2011.

ATTEST:

Borough of Hatboro

/s/ William J. McCauley, III
William J. McCauley, III
Interim Borough Secretary

/s/ Marianne Reymer
Marianne Reymer
President, Borough Council

APPROVED this 23rd day of May, 2011.

/s/ Norm Hawkes
Norm Hawkes
Mayor