

TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 97-07

AN ORDINANCE TO CREATE AND USE AN OFFICIAL
MAP AS PROVIDED FOR IN THE PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, SECTION 402.

Section 1. Purpose

This ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare, to facilitate adequate provision of public streets and facilities, to improve traffic circulation, to provide for the recreational and open space needs of the community, to protect and enhance water resources and to facilitate the subdivision of land and the use of land and watercourses.

Section 2. Definitions

A. Definitions

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this ordinance. All words and terms not defined herein shall be used with a meaning of standard usage or as defined in the West Bradford Township Zoning Ordinance.

Board of Supervisors - The Board of Supervisors of West Bradford Township, County of Chester, Commonwealth of Pennsylvania.

Governing Body - The Board of Supervisors of West Bradford Township, County of Chester, Commonwealth of Pennsylvania.

Municipal; Municipality - West Bradford Township, County of Chester, Commonwealth of Pennsylvania.

Public - Owned, operated or controlled by a government agency.

Public Grounds:

- (1) Parks, playgrounds and other public area.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned

or operated facilities.

Public Notice - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

Right-of-Way - A corridor of land set aside for use, in whole or in part, by a street.

Street - A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians.

Township - West Bradford Township, County of Chester, Commonwealth of Pennsylvania.

Watercourse - A stream of surface water, including river, stream, creek or run, whether or not intermittent.

Section 3. Provisions of the Official Map

The Official Map, as enacted and subsequently amended, shall identify the location of the lines of existing and proposed public streets, well sites, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings.

- A. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other method sufficient for the identification, description and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor registered in the Commonwealth of Pennsylvania.
- B. The governing body, by amending ordinances, may make additions or modifications to the Official Map or part thereof by following the provisions included in Subsection A above and may also vacate any existing or proposed public street, watercourse or public ground contained in the Official Map, or part thereof.
- C. Unless otherwise specified, all proposed public street rights-of-way and widenings of existing public street rights-of-way shall meet the width requirements specified in the West Bradford Township Subdivision and Land Development Ordinance, for the street classification so designated.

Section 4. Incorporation of the Official Map

The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this ordinance as if it were fully described herein.

A. Certification of the Official Map

The Official Map shall be identified by the signatures of the West Bradford Township Board of Supervisors, attested by the Township Secretary under the following words: "This is to certify that this is the Official Map of West Bradford Township referred to in Ordinance 97-07, together with the date of enactment of this ordinance." The map shall be kept on file with the Municipal Manager.

B. The Official Map and this ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and this ordinance of West Bradford Township, Chester County, Pennsylvania is recorded in the Chester County Recorder of Deeds Office.

Section 5. Changes in the Official Map

If, in accordance with the provisions of this ordinance, changes are made to the location of lines designating existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said map. All changes, except those resulting from subdivision and land development plans as specified in Section 10 below, shall be certified by initialing of the map by the Chair of the West Bradford Township Board of Supervisors together with the amending ordinance number and date of enactment.

Section 6. Relationship with County Official Map

The adoption of an Official map by the county shall not affect the Official Map of West Bradford Township, except that the County Official Map shall govern as to public grounds, facilities and improvements of the county in accordance with the Pennsylvania Municipalities Planning Code.

Section 7. Relationship with Adjacent Municipalities

If the Official Map, or amendment thereto, shows any street intended to lead into any adjacent municipality, a certified copy of the Official Map, or amendment thereto, shall be forwarded to such adjacent municipality.

Section 8. Construction within Mapped Streets, Watercourses or Public Grounds

For the purpose of preserving the integrity of the Official Map of the municipality, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement built in violation of this section shall be removed at the expense of the owner. However, when the property over which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a special encroachment permit to so build. Before granting any special encroachment permit authorized in this section, the governing body may submit the application for a special encroachment permit to the local planning agency and allow the planning agency thirty (30) days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the governing body to grant the special encroachment permit applied for may be appealed by the applicant to the zoning hearing board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planing Code in accordance with Section 12 of this ordinance.

- A. The West Bradford Township Board of Supervisors may fix the time for which streets, watercourses and public ground on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the governing body announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation or has made formal application for an official permit to build a structure for private use, unless the governing body shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.
- B. The adoption of any street, street lines or other public lands as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate the municipality to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by the municipality.

Section 9. Release of Damage Claims or Compensation

The governing body may designate any of its agencies to negotiate with the owner of land whereon reservations are made, releases of claims for damages or compensation for such reservations are required or agreements indemnifying the governing body from such claims

by others may be required. Any release or agreements when properly executed by the governing body and the owner, and recorded, shall be binding upon any successor in title.

Section 10. Adoption and Amendment

A. Procedure

- (1) Prior to the adoption of the Official Map or part thereof, or any amendments to the Official Map, the governing body shall refer the proposed Official Map, or part thereof or amendment thereto, with any accompanying ordinance describing the proposed map, to the Municipal Planning Commission and Chester County Planning Commission for review. The Planning Commissions shall report their recommendation on said proposed Official Map and accompanying ordinance, part thereof, or amendment thereto within forty-five (45) days unless an extension of time shall be agreed to by the governing body. If, however, the planning agency fails to act within forty-five (45) days, the governing body may proceed without its recommendations.
- (2) The county and adjacent municipalities may offer comments and recommendations during said forty-five-day review period in accordance with Section 408 to local authorities, park boards, environmental boards and planning agencies, if requested by same during said forty-five-day review period.
- (3) Before voting on the enactment of the proposed ordinance and Official Map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice.
- (4) Following adoption of the ordinance and Official Map, or part thereof or amendment thereto, a copy of the same, verified by the governing body, shall be submitted to the Recorder of Deeds of the county in which the municipality is located and shall be recorded within sixty (60) days of the effective date.

B. Effect of approved plans on Official Map

After adoption of the Official Map, or part thereof, all streets, watercourses, and public grounds and the elements listed in Section 401 on final, recorded plats, which have been approved as provided by the West Bradford Township Subdivision and Land Development Ordinance, shall be deemed amendments of the Official Map. Notwithstanding any of the other terms of this ordinance, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved as provided by the West Bradford Township Subdivision and Land Development Ordinance.

Section 11. Violations and Penalties

A. Notice of violation

Whenever any person, partnership or corporation shall have violated the terms of this ordinance, the Municipal Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this ordinance within seven (7) days, or such additional period, not to exceed thirty (30) days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, the municipality may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply. Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail or by personal service or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

B. Penalties for failure to comply

Any person or partnership or corporation who fails to comply with this ordinance within the period stated in the notice of the manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty of not more than six hundred dollars (\$600). Each and every day of continued violation shall constitute a separate violation.

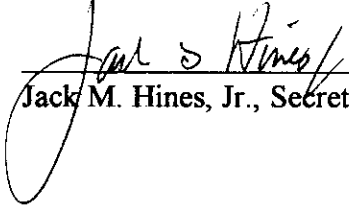
- (1) In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this ordinance within the time specified by the Manager, the municipality may take any actions necessary to correct the violation. The costs for correction of any violation shall be in addition to any penalties for violations for failure to comply.
- (2) In addition to the fines for violations, costs, and penalties provided for by this section, the municipality may institute proceedings in courts by equity to prevent, restrain, correct or abate such buildings, structure or land to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- (3) The cost for removal, fines and penalties hereinabove mentioned may be entered by the municipality as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

Section 12. Appeals

Any appeal from a decision or action of the governing body or of any officer or agency of the township in matters pertaining to this ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

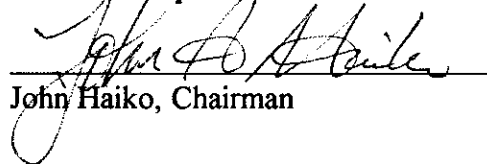
Enacted this 25th day of November 1997 by the Board of Supervisors of West Bradford Township.

Attest:



Jack M. Hines, Jr., Secretary

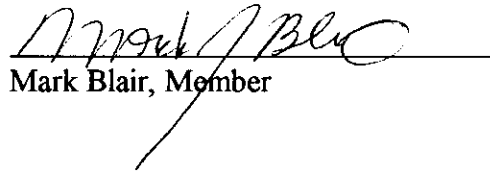
Board of Supervisors



John Haiko, Chairman



Kenneth Klunk, Vice-Chairman



Mark Blair, Member