

NEWTOWN BOROUGH
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 803

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF NEWTOWN AT PART II [GENERAL LEGISLATION], CHAPTER 550 [ZONING], BY AMENDING AND RESTATING ARTICLE IX [ADMINISTRATION] TO REVISE AND CLARIFY REQUIREMENTS RELATED TO FRONTAGE IMPROVEMENT AND STORMWATER MANAGEMENT PERMITS

CERTIFICATION

I, CRAIG TOTARO, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE BOROUGH MANAGER OF NEWTOWN BOROUGH, BUCKS COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 803.



Craig Totaro, Borough Manager
8/14, 2024

ENACTED: 8/13/2024

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WHEREAS, the Newtown Borough Council is duly empowered by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Borough Council;

WHEREAS, the Newtown Borough Council has adopted a comprehensive zoning ordinance, known as the Newtown Borough Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Newtown Borough;

WHEREAS, the Borough Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Newtown Borough Council to make, amend and adopt amendments to the Newtown Borough Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Borough and the best interests of its residents; and

WHEREAS, the Newtown Borough Council has determined that certain amendments to the Newtown Borough Zoning Ordinance, as amended, are required to provide for the orderly administration of the laws of and requirements for frontage improvement and stormwater management permits within Newtown Borough.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Newtown Borough Council that the Borough's Code is amended as follows:

SECTION 1. **Amendment to Chapter 550 [Zoning], Article IX [Administration], Section 54 [Zoning Permit and Other Permits and Approvals Required] to revise and clarify requirements related to frontage improvement and stormwater management permits.**

The Code of the Borough of Newtown, Part II [General Legislation], Chapter 550 [Zoning], Article IX [Administration], Section 54 [Zoning Permit and Other Permits and

Approvals Required] is hereby restated and amended to delete the struck-through language (~~example~~) and add the underlined language (example) as follows:

C. Frontage improvement, stormwater management, and ~~storm—drainage improvement permit~~; impervious surface permits.

(1) Requirement of frontage ~~and storm—drainage~~ improvement permit. It shall be unlawful for any person to make any frontage ~~or storm—drainage~~ improvement to any structure or lot until a frontage ~~and storm—drainage~~ improvement permit has been duly issued therefor. A frontage ~~and storm—drainage~~ improvement permit is required prior to any one of the following activities:

- (a) Installing, altering, constructing, repairing or replacing any existing or proposed curb.
- (b) Installing, altering, constructing, repairing or replacing any existing or proposed sidewalk.
- (c) Installing, altering, constructing, repairing or replacing any existing or proposed driveway apron from the street line to the right-of-way line.
- (d) Installing, altering, constructing, repairing or replacing any existing or proposed retaining wall wholly or partially within or adjacent to the right-of-way.
- ~~(e) Installing, altering, constructing, repairing or replacing any storm drainage improvement, but not including gutters attached to a building or structure.~~
- ~~(f) Installing or adding more than 300 square feet, whether initially or cumulatively, of new impervious surface to any lot.~~

(2) Requirement of stormwater management permit. It shall be unlawful for any person to make any stormwater drainage improvement to any structure or lot until a stormwater management permit has been duly issued therefor. A stormwater management permit is require prior to any of the following activities:

- (a) Installing, altering, constructing, repairing or replacing any stormwater drainage improvement, but not including gutters attached to a building or structure.
- (b) Installing or adding more than 500 square feet, whether initially or cumulatively, of new impervious surface to any lot, including but not limited to driveways, walkways or other concrete slabs.

~~(2)~~(3) Impervious surface permit. Except as provided in this Subsection C, it shall be unlawful for any person to install or add up to ~~300~~ 500 square

feet of new impervious surface to any lot until an impervious surface permit has been duly issued therefor.

~~(a) An impervious surface permit is required prior to adding impervious surface for any purpose, including but not limited to, driveways, walkways, decks or other concrete slabs.~~

~~(b)(a)~~ If any proposed activity requiring an impervious surface permit would also require a frontage improvement and/or ~~storm drainage~~ stormwater management permit, only a frontage improvement and/or ~~storm drainage~~ stormwater management permit is required; unless, in the Zoning Officer's discretion, the frontage and ~~storm drainage~~ improvement is clearly incidental to the proposed activity, in which case only an impervious surface permit is required.

~~(3)(4)~~ Applications for frontage improvement, and ~~storm drainage~~ improvement permits- stormwater management and impervious surface permits.

(a) All applications for frontage improvement, and ~~storm drainage~~ improvement permits stormwater management and impervious surface permits shall be made to the Zoning Officer, in writing triplicate, on a form provided by Newtown Borough; and shall be accompanied by the name and address of the contractor who is going to install the proposed improvements. The application shall include a plot plan of the property, showing in detail the improvements to be installed on the said property, including, but not limited to:

[1] The location, width, manner and type of construction of the sidewalk, curb, retaining wall, driveway, walkway or any other similar improvement on the property and in front of the property where relevant.

[2] All ~~storm~~ stormwater drainage improvements, impoundments, pipe size, drainage swales, ditches, pipes, etc., including the size and type proposed to be put at any location on the property.

[3] The grading of the property.

~~(b) The applicant shall submit four copies of the application and plan, to be distributed as follows:~~

~~[1] For impervious surface permits, four to the Zoning Officer.~~

~~[2] For frontage and storm drainage permits, one to the Zoning Officer and three to the Borough Engineer.~~

- ~~(e) For frontage and storm drainage improvement permits, after the Borough Engineer approves the plan, he shall return one copy to the applicant and one copy to the Zoning Officer.~~
- (5) Fees. The applicant shall pay such fees as are required in the Schedule of Fees as may be amended from time-to-time by resolution of Borough Council.
- (4)(6) Issuance of permits. All frontage improvement and stormwater management permits shall be issued by the Zoning Officer after review by the Borough Engineer. All impervious surface permits, where required, shall be issued by the Zoning Officer.
- ~~(a) All frontage and storm drainage improvement permits shall be issued by the Borough Engineer. All impervious surface permits, where required, shall be issued by the Zoning Officer. No occupancy permit shall be issued for any proposed activity until the work is approved by the Borough Engineer or Zoning Officer, as applicable.~~
- (7) No occupancy permit shall be issued for any proposed activity until the work is approved by the Borough Engineer or Zoning Officer, as applicable.
- (a) The improvements shall be inspected and approved by the Borough Engineer or Zoning Officer, where applicable. The applicant and/or contractor doing the work is required to notify the Borough Engineer and Zoning Officer at least 48 hours before any work is started in connection with the installation of the improvements.
- (b) The Zoning Officer shall not issue an occupancy permit for the structure or use until he receives a letter or certificate from the Borough Engineer stating that the facilities have been completed and installed in a satisfactory manner in compliance with the terms of the application that has been filed.

SECTION 2. Repeal and Ratification.

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. Any other terms and provisions of the Borough's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance

shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

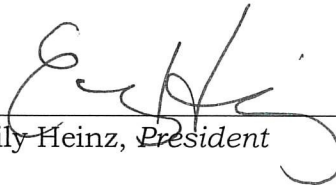
This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 13th day of August 2024, by the
Newtown Borough Council.

**BOROUGH OF NEWTOWN
COUNTY OF BUCKS
COMMONWEALTH OF PENNSYLVANIA**



John Burke, *Mayor*



Emily Heinz, *President*

Attest:



Judy S. Musto
Borough Secretary

