

## ORDINANCE NO. 93-3

AN ORDINANCE OF HILLTOWN TOWNSHIP AMENDING THE HILLTOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1981 AS AMENDED; IMPLEMENTING THE REQUIREMENTS OF THE PENNSYLVANIA STORMWATER MANAGEMENT ACT AND THE NESHAMINY CREEK WATERSHED STORMWATER MANAGEMENT PLAN OF BUCKS COUNTY; AND PROVIDING FOR FINANCIAL AND MAINTENANCE GUARANTEES FOR ALL SUBDIVISIONS AND LAND DEVELOPMENTS.

Preamble

Upon review by the Hilltown Township Planning Commission and the Bucks County Planning Commission, and with reliance upon their recommendation, the Board of Supervisors of Hilltown Township hereby ordains as follows:

ARTICLE I.

Section 421 - Stormwater Management is hereby revised adding the following additional subsection:

421(c) Compliance with Hilltown Township Stormwater Management Ordinance.

(1) All subdivisions and/or land developments located within the Neshaminy Creek Watershed portion of Hilltown Township shall comply with the Hilltown Township Stormwater Management Ordinance, Ordinance No. 93-2.

(2) The requirements of the Hilltown Township Stormwater Management Ordinance shall be in addition to and not in lieu of the requirements as set forth in subparagraphs (a) and (b) of this Section.

ARTICLE II.

Section 422 - Responsibility - Soil Erosion and Sediment Control; Stormwater Management is hereby revised adding the following new section:

422(f) All subdivisions and/or land developments located within the Neshaminy Creek Watershed portion of Hilltown Township shall comply with the Hilltown Township Stormwater Management Ordinance, Ordinance No. 93-2 .

**ARTICLE III.**

Sections 602 - Required Contracts and 603 - Records are hereby revised and amended to read as follows:

Section 602 - Completion and Guarantee of Public Improvements.

(a) No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by ordinance, the developer may deposit with the Township financial security in an amount sufficient to cover the related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.

(b) When requested by the developer, in order to facilitate financing, the Board of Supervisors, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent agreement shall expire and be deemed to be revoked if the financial security is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

(c) Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

(d) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct business within the Commonwealth.

(e) Such bonding, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

(f) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Section.

(g) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten

percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

(h) In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvement in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

(i) Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

#### Section 603 - Release from Financial Security.

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report in writing, with the Board of Supervisors, and shall promptly mail

(f) The Board of Supervisors and Township Planning Commission shall keep records of their findings, decisions, and recommendations relative to all subdivision plans filed with them for review or approval.

(g) All records shall be public records.

#### ARTICLE IV.

Section 604 - Penalties is hereby revised adding the following additional subsection:

604.3 Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plat, the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Township purpose.

#### ARTICLE V.

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistency.

#### ARTICLE VI.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional,

such infirmity shall not affect or impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

**ARTICLE VII.**

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

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

Wm. H. Bennett Jr.  
Kenneth B. ...  
J. Carroll Foy

Date of Enactment:

June 28, 1993