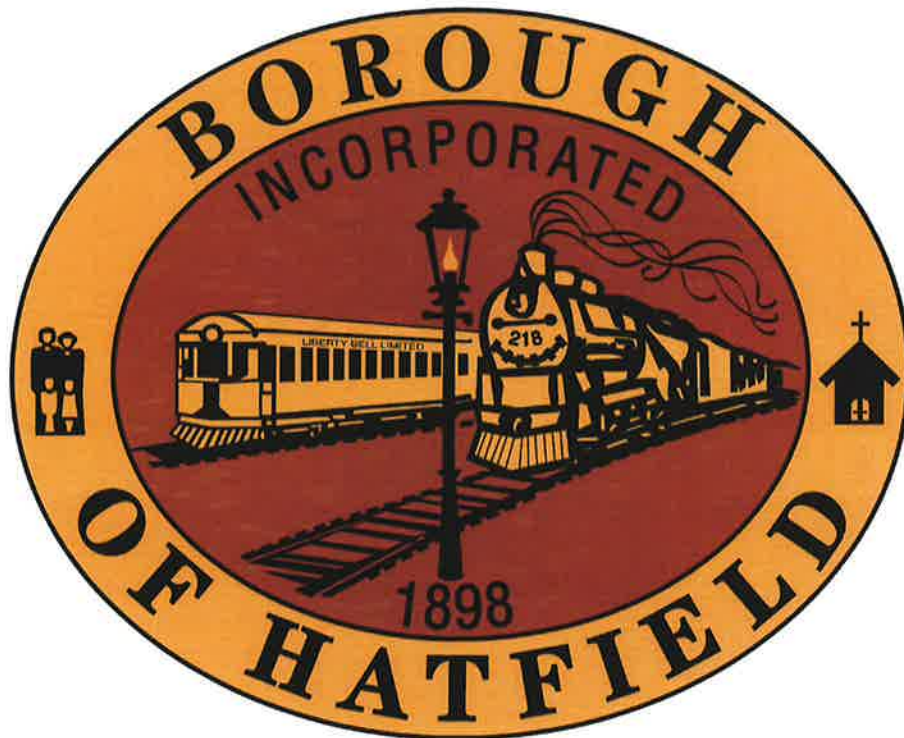


# **HATFIELD BOROUGH PLANNING COMMISSION**

**February 1, 2021**



**KENNETH V. FARRALL, CHAIR  
MICHELLE KROESSER, VICE CHAIR  
LARRY BURNS, MEMBER  
JOHN KROESSER, MEMBER  
LAWRENCE G. STEVENS, MEMBER**

**MICHAEL J. DEFINIS, BOROUGH MANAGER**



# Borough of Hatfield

Montgomery County, Pennsylvania

## PLANNING COMMISSION February 1, 2021 7:00PM

In Person & Via Zoom

Registration Required for ZOOM Participants

Call to Order / Roll Call

Michelle Kroesser                      Kenneth Farrall  
Lawrence G. Stevens   John Kroesser   Larry Burns

1. Motion to Approve the February 1, 2021 Agenda
2. Motion to Approve the August 3, 2020 Meeting Minutes
3. 43 Roosevelt Preliminary Land Development Presentation:
4. Bennett's Court Preliminary Land Development Discussion:
5. Old Business:
  - A. Edinburgh Square Land Development Update
6. New Business:
  - A. 2021 Meeting Dates
  - B. Codification
  - C. Feral Cat Ordinance / Chapter 2
  - D. Sewer Lateral Repair Ordinance / Chapter 18
7. Action Items:
8. Next Meeting Monday March 1, 2021 7:00PM
9. Motion to Adjourn.

401 S. Main Street  
P.O. Box 190  
Hatfield, PA 19440

**Phone:**  
215-855-0781

**Fax:**  
215-855-2075

**Email:**  
admin@  
hatfieldborough.com

**Website:**  
www.hatfieldborough.com

2. Motion to Approve the August 3, 2020  
Meeting Minutes

## PLANNING COMMISSION

August 3, 2020 7:00PM

Held via Zoom

Meeting Minutes

### ROLL CALL

- (X) Kenneth V. Farrall, Chair
- (X) Michelle Kroesser, Vice Chair
- (X) Larry Burns
- (X) John Kroesser
- (X) Lawrence G. Stevens

The record shows that five members of the Planning Commission were present along with Borough Manager Michael J. DeFinis, Borough Assistant Manager Jaime E. Snyder, and Jeff Wert, Engineer for the applicant, from Metz Engineering.

### 1. APPROVAL OF THE AGENDA:

Motion to Approve the August 3, 2020 Planning Commission Meeting Agenda

Motion:

A motion was made by Larry Burns to Approve for the Agenda of August 3, 2020 Planning Commission Meeting Agenda. The motion was seconded by Michelle Kroesser and unanimously approved with a vote of 5-0.

### 2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the July 6, 2020 Planning Commission Meeting.

Motion:

A motion was made by Larry Burns to Approve the amended July 6, 2020 Meeting Minutes. The motion was seconded by Larry Stevens. The Motion approved with a vote of 5-0.

### 3. OLD BUSINESS:

#### A. 2020 Meeting Dates

Manager DeFinis updated the Planning Commission on the 2020 meeting dates and noted in August and November there are two meetings.

4. NEW BUSINESS:

A. Howard Heckler Subdivision Plan Update

Manager DeFinis asked the Planning Commission Chair if it was warranted to go through everything in the packet or if the applicant's Engineer could just give an overview of the project in whole.

Chairman Ken Farrall stated that he believes the plans are in pretty good shape but a letter of support is still needed from the MCPC but he believes all should comply.

Jeff Wert, from Metz Engineering, representing the applicant addressed the Planning Commission and outlined the plans. Mr. Wert added that he does not believe that the applicant is planning on selling the lots anytime soon and the lot widths are met on all properties and the applicant understands his responsibility for sidewalks, etc. Mr. Wert added that this property did go through a minor conveyance a few years back and that is noted on the submitted plans. Finally, Mr. Wert addressed the Borough's Engineer review letter and stated that the applicant will comply with everything listed.

Manager DeFinis stated that the applicant and the Engineer have agreed they will go over the provided draft resolution and send any comments back prior to the Borough Council Meeting on August 19<sup>th</sup>.

Chairman Ken Farrall asked if any of the Planning Commission members had comments or concerns? There were none.

Chairman Ken Farrall asked for a motion to approve preliminary / final on the Heckler subdivision contingent upon final review from the Borough Solicitor and Engineer.

Motion: A motion was made by Larry Stevens and seconded by John Kroesser to approve the subdivision development as stated by Chairman Ken Farrall. The motion unanimously approved with a vote of 5-0.

B. Edinburgh Square Land Development Update

Manager DeFinis stated that the MCPC review letter came back with no issues. Manager DeFinis added that Council approved the resolution with some additions and that the Solicitor is going through the Developers Agreement with the applicant hoping for an August 19<sup>th</sup> execution.

D. Bennett's Court Land Development Update

Manager DeFinis stated that there was no update at this time but is keeping this on the Agenda for future development.

#### E. Fireworks by Permit

Manager DeFinis stated that the reason this is on is people were questioning how they could use fireworks if they do not meet listed state guidelines. Manager DeFinis added that if a permit needed to be obtained with specific criteria and times frames maybe this would help the abundance of fireworks that have been set off in the Borough since the beginning of the shutdown due to COVID-19.

Chairman Ken Farrall asked if other municipalities issue permits for fireworks. Manager DeFinis stated he would look into this.

Michelle Kroesser asked who would enforce this? Manager DeFinis stated that the permit would be obtained through the Borough and the police could enforce this if it was listed under police powers or violated the disturbance of the peace.

John Kroesser and Michelle Kroesser agreed it would be tough to enforce and Larry Burns added that if the state law is no fireworks should be set off within 150ft of a structure and this is being violated the police should enforce that as is.

A discussion ensued amongst the Planning Commission if a recommendation should be presented to Council or the Planning Commission should move forward on the issue of obtaining a permit for the use of fireworks in the Borough.

It was asked for Borough Manager Michael DeFinis to obtain information on this issue from the Police Department on enforcement issues and options as well as the Fire Department.

It was stated that unless directed by Council the Planning Commission will not move forward on perusing this issue.

5. ACTION ITEMS: None (acted previously on Heckler Subdivision)

6. Next Meeting is August 31, 2020 7:00PM.

7. Motion to Adjourn

Motion:

A motion was made by Larry Burns to adjourn the August 3, 2020 Planning Commission Meeting. The Motion seconded by John Kroesser and unanimously approved with a vote of 5-0.

Respectfully Submitted,

Jaime E. Snyder  
Borough Assistant Manager

### 3. 43 Roosevelt Preliminary Land Development Presentation:





**Fox Rothschild** LLP  
ATTORNEYS AT LAW

Stone Manor Corporate Center  
2700 Kelly Road, Suite 300  
Warrington, PA 18976-3624  
Tel 215.345.7500 Fax 215.345.7507  
www.foxrothschild.com

Kimberly A. Freimuth  
Direct Dial: (215) 918-3627  
Email Address: kfreimuth@foxrothschild.com

December 23, 2020

**VIA FEDERAL EXPRESS**

Hatfield Borough  
401 South Main Street  
Hatfield, PA 19440

**Re: Preliminary Subdivision Application –  
43 Roosevelt Avenue, Hatfield Borough, Montgomery County, PA**

Dear Sir/Madam:

This office represents ABP Investments, Inc. (the “**Applicant**”), which is the owner of the above-referenced property, in connection with the proposed subdivision of this property into four lots for the development of two twin dwellings thereon (the “**Project**”).

In connection with the Applicant’s Project, enclosed please find the following:

1. Fourteen (14) copies of a Subdivision Plan set, prepared by Lenape Valley Engineering, consisting of five (5) sheets, dated September 10, 2020, last revised December 21, 2020.
2. Ten (10) copies of a Stormwater Management Report, prepared by Lenape Valley Engineering, dated September 6, 2020, last revised December 22, 2020.
3. Ten (10) copies of a Memorandum from Lenape Valley Engineering, dated December 22, 2020, responding to the items contained in the Bursich review letter dated October 27, 2020.

A Pennsylvania Limited Liability Partnership

California    Colorado    Connecticut    Delaware    District of Columbia  
Florida    Nevada    New Jersey    New York    Pennsylvania



Fox Rothschild LLP  
ATTORNEYS AT LAW

December 23, 2020  
Page 2

4. Ten (10) copies of a Waiver Request Memo prepared by Lenape Valley Engineering, dated December 22, 2020.

Also enclosed is a digital copy of each of the above documents.

If you should have any questions regarding the enclosed, or if you should require any additional information, please feel free to contact me. Thank you.

Very truly yours,

Kimberly A. Freimuth

Enclosures

cc: Art Herling, III (via e-mail w/o enclosures)  
Jason Smeland, P.E., Lenape Valley Engineering (via e-mail w/o enclosures)



**HATFIELD BOROUGH  
PLAN REVIEW/ PROJECT DISTRIBUTION LIST**

DATE: 1-5-2021 APPLICATION # \_\_\_\_\_

PROJECT: 43 ROOSEVELT AVENUE

ADDRESS: 43 ROOSEVELT AVENUE, HATFIELD PHONE: 215-918-3627

TO: 1-5-2021 Zoning Officer Building Inspector / Code Enforcement Officer

1-5-2021 Chad Camburn, Bursich Engineer

1-5-2021 Kate Harper, Solicitor

1-5-2021 Dan Quimby, Fire Marshal / Fire Safety/

1-5-2021 Norm Baron, Jim Havrilla, Utility Engineers Electric Consultants

1-5-2021 McMahon Associates, Traffic Engineer

1-5-2021 Fred Leister, Public Works Director (Electric & Sewer Coordinator)

1-5-2021 Eric Frey, Dischell, Bartle & Dooley

**PLAN TYPE:**

Preliminary Subdivision

Final Subdivision

Preliminary Land Development

Final Land Development

Sketch Plan

Other (Zoning Hearing Board Application, Etc): \_\_\_\_\_

RETURN REVIEW BY: JANUARY 28, 2021

PLANNING COMMISSION MEETING DATE: FEBRUARY 1, 2021

ZONING HEARING BOARD DATE: \_\_\_\_\_

COMMENTS: PLAN SET GIVEN TO MICHAEL DEFINIS & JAIME SNYDER 1-5-2021

\_\_\_\_\_  
\_\_\_\_\_



# Borough of Hatfield

Montgomery County, Pennsylvania

January 21, 2021

Michael DeFinis  
Hatfield Borough Manager  
401 South Main Street  
Hatfield, PA 19440

RE: 43 Roosevelt Avenue Fire Marshal Review

Dear Mr. DeFinis,

The following comments are offered regarding the above referenced submission:

An approved and tested water supply for firefighting purposes shall be provided (*IFC 507*)

Fire hydrants shall be provided with a maximum distance of 600 feet (*IFC 507.5*)

Each dwelling unit shall have an address identification visible from the street. The identification lettering shall be a minimum of four (4) inches high and one-half (1/2) wide stroke (*IFC 505*)

Each unit shall comply with ACT 1,2011 requiring either a sprinkler system compliant with NFPA 13D or a first floor/basement assembly acceptable to the Code Official shall be installed.

Feel free to contact the Hatfield Borough Building Fire Marshal Office at (215) 855-0781 extension 108 with any questions.

Sincerely,

Daniel Quimby  
Fire Marshal  
Hatfield Borough

401 S. Main Street  
P.O. Box 190  
Hatfield, PA 19440

**Phone:**  
215-855-0781

**Fax:**  
215-855-2075

**Email:**  
admin@  
hatfieldborough.com

**Website:**  
www.hatfieldborough.com



# Borough of Hatfield

Montgomery County, Pennsylvania

January 28, 2021

43 Roosevelt  
Hatfield, PA 19440

PID# 09-00-00730-00-8

## ZONING REPORT: Subdivision/Land Development

A review for compliance with the Hatfield Borough Ordinances, and other applicable laws and codes for the Subdivision/Land Development submittal of 43 Roosevelt, Hatfield, PA 19440 has been completed and rejected as submitted. All reasons for rejection are listed below. Please submit amended plans and/or other documentation to address the reasons listed.

43 Roosevelt Avenue, Hatfield, PA 19440 is located in the R-2 Residential District. Proposed Dwelling Type: Twin.

Minimum Lot Area:	4,000 Square Feet
Minimum Lot Width at Street Line:	30 Feet
Front Yard Setback:	30 Feet
Side Yard Setback:	12 Feet (15 if no alley present)*
Rear Yard Setback:	40 Feet
Maximum Building Coverage:	35% of Lot Area
Maximum Impervious Coverage:	70% of Lot Area

\*In the case of a corner lot, each yard abutting a street shall be equal to the minimum required front yard.

### §27-1303 Design Standards

3. Where a driveway is located in a side yard, a five-foot landscaped buffer strip shall be provided between the driveway and the adjacent property line. The buffer strip may be maintained as lawn or planted with trees and shrubs or similar landscape material.

401 S. Main Street  
P.O. Box 190  
Hatfield, PA 19440

**Phone:**  
215-855-0781

**Fax:**  
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**Email:**  
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hatfieldborough.com

**Website:**  
www.hatfieldborough.com



# Borough of Hatfield

Montgomery County, Pennsylvania

The following is out of compliance with Hatfield Borough Zoning Ordinances.

- Lot #2
  - Driveway needs to be shifted to accommodate a 5-foot landscaped buffer strip between driveway and adjacent property line
  
- Lot #3
  - Driveway needs to be shifted to accommodate a 5-foot landscaped buffer strip between driveway and adjacent property line
  
- Lot #4
  - Driveway needs to be shifted to accommodate a 5-foot landscaped buffer strip between driveway and adjacent property line

Sincerely,

Matthew J Traynor  
Code and Zoning Enforcement

401 S. Main Street  
P.O. Box 190  
Hatfield, PA 19440

**Phone:**  
215-855-0781

**Fax:**  
215-855-2075

**Email:**  
admin@  
hatfieldborough.com

**Website:**  
www.hatfieldborough.com



January 15, 2021

Hatfield Borough  
401 S. Main Street  
P.O. Box 190  
Hatfield, PA 19440

Attention: Mr. Michael J. DeFinis  
Borough Manager

RE: 43 Roosevelt Avenue  
Preliminary Subdivision Review #2  
Bursich Project No.: HAT-01 / 208148

Dear Mike:

As requested, Bursich Associates, Inc. has reviewed a preliminary plan submission prepared for ABP Investment, Inc. The submission consisted of the following information prepared by Lenape Valley Engineering:

- Plan entitled "Plan of Subdivision prepared for ABP Investment, Inc., Sheets 1 – 7 of 7, with a plan origination date of 9/10/2020, and a revision date of 12/21/2020.
- Stormwater Management Report for 43 Roosevelt Ave. prepared for ABP Investments, Inc. dated December 22, 2020.
- Memo to the Borough of Hatfield for 43 Roosevelt Ave. – Waiver Requests with a date of 12/22/2020.

The Applicant is the record owner of a property located at 43 Roosevelt Avenue containing approximately 0.56 acres in the R-2 Residential Zoning District. The site is bound by Roosevelt Avenue to the east, Girard Terrace to the north, a twelve-foot wide alley to the south, and private property to the west. The Applicant proposes to subdivide the property into four lots consisting of two twin buildings. Construction of stormwater management BMPs are also proposed as part of the plan. An existing two-story dwelling, driveway, shed, and associated improvements are to be removed. We offer the following for your consideration:

#### REQUESTED WAIVERS

The following waivers are being requested as discussed in the applicant's letter. The requested waivers shall be added to the record plan.

1. §22-410 & 412.H – A waiver is requested from the requirement to provide clear sight triangles on each new driveway.

**ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS**



2129 E. High Street | Pottstown, PA 19464  
N 40° 14' 40.2" W 075° 36' 09.6"

610.323.4040  
www.bursich.com

2. §22-414.B – A waiver from parking lot requirements.

It is our opinion that the parking lot requirements are not applicable to the individual residential driveways, and, therefore, this waiver is not required.

3. §26-123.B(2) & B.(4) – A waiver from meeting the stormwater volume reduction requirements. Soils infiltration testing was performed and identified that the site is not suitable for stormwater infiltration. The applicant is proposing to significantly reduce the peak flow rate of the stormwater leaving the site from the current conditions.

### ZONING ORDINANCE COMMENTS

1. §27-809 – No building shall exceed 35 feet in height. The record plan currently indicates all buildings are proposed to be greater than 35 feet in height.

*We believe this is likely a typographical error.*

2. §27-811 – The plans shall clarify if any projections are proposed into the required yards. The record plan shall note the allowable projections as they relate to future dwelling owners' rights to build patios, decks, porches, steps, etc.
3. §27-813 – The plans shall clarify that refuse collection facilities are located either inside each building or within an area enclosed by either walls or opaque fencing.
4. §27-1303.3 – Where a driveway is located in a side yard, a five-foot buffer strip shall be provided between the driveway and adjacent property line.

*The driveways/parking spaced for Lots 2 and 3 are proposed to be two feet from the adjacent property lines. The head-in parking spaces for Lot 4 are proposed to be one foot from the property line, and approximately five feet from the Lot 3 unit. Additionally, we recommend screening be provided between the Lot 4 parking spaces and the property line to avoid headlights shining across the back yards of Lots 1-3 and help block exhaust from the vehicles.*

### SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

1. §22-305.D.(2) – Sanitary sewer pipe sizes, material, direction of flow, gradient of flow, manholes and invert elevations, shall be clearly shown on the plans. The applicant shall also confirm that the elevations of the proposed houses are sufficient to connect to the public sewer system through gravity as proposed.
2. 22-305.D.(3) – The plans shall be revised to clarify the storm sewer connection at the street intersection.
3. 22-305.E.(2)(d) & (e) – The water and sewer services for Lots 1 and 2 shall be at least five feet from the lot line to avoid encroachment onto the neighboring property if future maintenance is required. Additionally, the existing sewer service proposed to be utilized for Lot 4 must be replaced with new SDR-26 PVC pipe if it is not already PVC.



4. §22-413.C – The condition of the existing sidewalk ramp at the intersection of Roosevelt Avenue and N. Girard Terrace should be evaluated and improved if necessary. This shall be illustrated on in the plans. All concrete within the public right-of-way shall be minimum 4,000 psi.
5. §22-419.3 – Plan approval will require expeditious removal of the buildings. If the buildings will not be removed immediately, a financial guarantee must be posted for its removal.
6. §22-426 – Proof of water serviceability shall be provided for the four lots.
7. §22-503 – Upon approval of the design, a construction cost estimate shall be submitted for review to establish financial security.

The following comments pertain to Appendix 22-4-A Engineering Standards:

8. §102 – The minimum radius of arc at the intersection right-of-way line shall be 15 feet for a Local Access street. The Borough should consider if it wishes the applicant to offer to the Borough the additional right-of-way at the intersection of N. Girard Terrace and Roosevelt Avenue.
9. §103 – A detail of the driveways shall be added to the plans.
10. §105 – A detail of the proposed concrete driveway apron shall be added to the plans.
11. §108.1.A– Building setback lines shall be measured from the nearest side of the easement to the proposed building. A waiver would be required to allow the buildings to be located within 40 feet of the proposed Drainage Easement.
12. §108.3.A – A letter of endorsement shall be required from the suppliers of all utility service providers acknowledging that underground utilities are feasible and shall be consummated as part of the improvement plan.

STORMWATER COMMENTS

1. §26-164 – A Stormwater Operation and Maintenance Agreement shall be recorded to the satisfaction of the Borough Solicitor.
2. We agree with the applicant's concept of providing individual stormwater management BMPs on each lot. In order to avoid the potential failure of one stormwater bed to impact the other lots' beds, the proposed interconnection of the beds must be eliminated, and each bed will need to function separately rather than as a single basin. A parallel header pipe should be installed along the rear tract line to convey discharge from each bed to the inlet box in Roosevelt Avenue. We would be happy to discuss this concept, or possible alternatives, with the engineer.
3. The plans must include the materials of all proposed stormwater conveyance pipes.
4. The Stormwater Bed Detail on sheet 5 must show the filter fabric completely surrounding the stone bed with an overlap of at least 12 inches at all seams.
5. A detail of the stormwater cleanout must be added to the plans.

6. A detail of the orifice plates must be added to the plans including information on materials, method of installation/connection, sizes and elevations.

### SANITARY SEWER COMMENTS

1. PaDEP Sewage Facilities Planning shall be addressed.
2. Applicable standard sewer details will be forwarded to the applicant's engineer under separate cover.

### GENERAL COMMENTS

1. We recommend the record plan include a hatch-pattern to more clearly illustrate the proposed Drainage Easement.
2. Proposed finished floor elevations shall be provided on the plans.
3. The Sidewalk and Curb details must specify 4,000 psi concrete rather than Class A. The Sidewalk detail must also include control joints every five feet, and ½" bituminous expansion joints every 20 feet, where new sidewalks abut existing sidewalks, and between the sidewalk and curb. The curb detail must include a bituminous expansion joint where new curb abuts existing curb. The Parking Area detail should be removed.
4. Legal descriptions shall be submitted for the four proposed lots, drainage easement, and right-of-way area offered for dedication if applicable.
5. A Note shall be added noting the providers of all utilities.
6. All signature blocks and certifications shall be signed, and notarized as appropriate, as part of the final plan approval and recording process.
7. Reviews, approvals, permits that may be required include, but are not limited to, the following:
  - a. Hatfield Borough Zoning Officer / Code Enforcement Officer
  - b. Hatfield Borough Electric Consultant
  - c. Hatfield Borough Traffic Engineer
  - d. Hatfield Borough Fire Marshal
  - e. PaDEP Sewage Facilities Planning
  - f. Montgomery County Planning Commission
  - g. North Penn Water Authority
  - h. Hatfield Township Municipal Authority
  - i. Emergency Services

The comments are made with the understanding that all existing features and topography are accurately represented on the plans, and that all designs, calculations and surveys are accurate and have been prepared in accordance with current laws, regulations, and currently accepted Professional Land Surveying and Engineering practice

If you have any questions or need further information, please feel free to contact me at 484-941-0418 or [chad.camburn@bursich.com](mailto:chad.camburn@bursich.com)

Very truly yours,



Chad E. Camburn, P.E.  
Director of Municipal Services  
Bursich Associates, Inc., Pottstown Corporate Office

pc: Jaime Snyder, Borough Assistant Manager (via email)  
Kate Harper, Borough Solicitor (via email)  
Matthew Traynor, Hatfield Borough Code Enforcement/Zoning Officer (via email)  
Lenape Valley Engineering (via email; [lenapeconsultants@yahoo.com](mailto:lenapeconsultants@yahoo.com))  
Kimberly Freimuth, Fox Rothschild LLP, applicant's attorney (via email)



---

January 28, 2021

Mr. Michael J. DeFinis  
Hatfield Borough  
401 South Main Street  
P.O. Box 190  
Hatfield, PA 19440

RE: **Traffic Engineering Review #2**  
43 Roosevelt Avenue  
Hatfield Borough, Montgomery County, PA  
McMahon Project No. 820875.1A

Dear Mr. DeFinis:

As requested, on behalf of Hatfield Borough, McMahon has completed a traffic engineering review of the proposed development to be located at the intersection of N. Girard Terrace and Roosevelt Avenue in Hatfield Borough, Montgomery County, PA. It is our understanding that the proposed development will consist of 4 townhomes with access to Girard Avenue.

The following documents were reviewed in preparation of our review:

- Land Development Plans for 43 Roosevelt Avenue, prepared by Lenape Valley Engineering, revised December 21, 2020.

Based on our review of the submitted documents noted above, McMahon offers the following comments for consideration by the Borough and action by the applicant.

**Plan Review**

1. The ADA ramp on the southwest corner of N. Girard Terrace and Roosevelt Avenue should be upgraded to conform with current ADA standards.
2. At a minimum, parking should be restricted along the N. Girard Terrace frontage for 50' to the corner. Signage should be provided on the plans. The existing parking restriction along Roosevelt Avenue should remain as shown on the plans.
3. The use of the existing alley should be reviewed with the Borough. It should be considered to remove the existing depressed curb and apron onto Roosevelt Avenue and install full reveal curb and new sidewalk.
4. The existing streetlights on the two utility poles along the Roosevelt Avenue frontage should be replaced with LED lights.

5. Based on our review, the applicant should address the aforementioned comments, and provide revised plans to the Borough and our office for further review and approval recommendations. A response letter addressing our comments must accompany the resubmission.

We trust that this review letter responds to your request and satisfactorily addresses the traffic issues that are related to the proposed development apparent to us at this time. If you or the Borough have any questions, or require clarification, please contact me.

Sincerely,



Anton K. Kuhner, P.E.  
Senior Project Manager

BMJ/smd

cc: Jaime Snyder, Borough Assistant Manager (via email)  
Chad Camburn, P.E., Bursich Associates, Inc. – Borough Engineer  
Kate Harper, Borough Solicitor (via email)  
Matthew Traynor, Hatfield Borough Code Enforcement/Zoning Officer (via email)  
Kimberly Freimuth, Fox Rothschild LLP, applicant's attorney  
Jason Smeland, P.E., Lenape Valley Engineering (Applicant's Engineer)

# ***UTILITY ENGINEERS, PC***

---

861 St. John's Road, Suite 6, Drums, PA 18222  
(570) 788-2211 (570) 788-2277 Fax

January 29, 2021

**Michael J. DeFinis**  
**BOROUGH OF HATFIELD**  
P.O. Box 190  
401 S. Main Street  
Hatfield, PA 19440

**Re: PLAN REVIEW 43 ROOSEVELT AVENUE  
HATFIELD, PA**

Dear Mr. DeFinis,


Per your request, we have reviewed the submitted land development plans for the referenced project and contained herein are our comments.

The submitted Land Development Plans from Lenape Valley Engineering, do not include or indicate electric services to the townhouses. The layout, configuration and location of the electric services to these townhouses are the responsibility of the Borough of Hatfield. It is the Developer's responsibility to include the electric services as part of the overall project. The Developer shall install and pay for the electric services in accordance with the Borough's requirements and layout. The attached electric service plan and details are to be included on future plan submissions.

Based on our review, the Developer shall include the electric services to the townhouses on all future plans.

Sincerely,

UTILITY ENGINEERS, PC

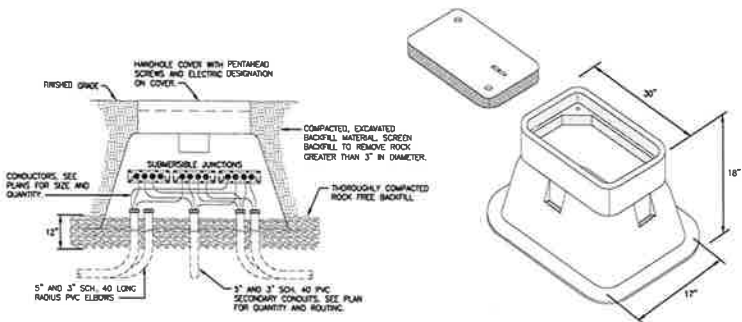


Norman P. Baron, PE

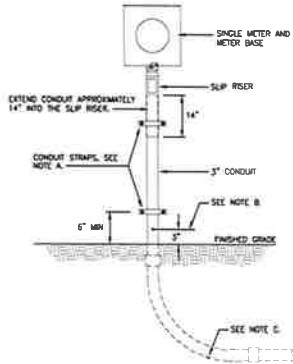
cc: Jamie Snyder, Assistant Borough Manager  
Kate Harper, Borough Solicitor  
Chad Camburn, PE, Borough Engineer  
John Lykens  
Shaun Loucks



GENERAL NOTES

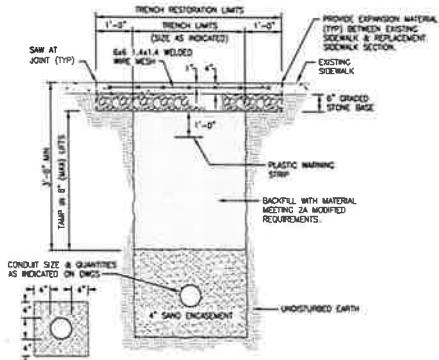


1 TYPICAL HANDHOLE DETAIL  
SCALE: N.T.S.

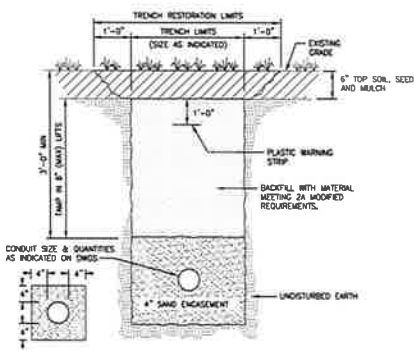


2 TYPICAL METER SLIP CONNECTION DETAIL  
SCALE: N.T.S.

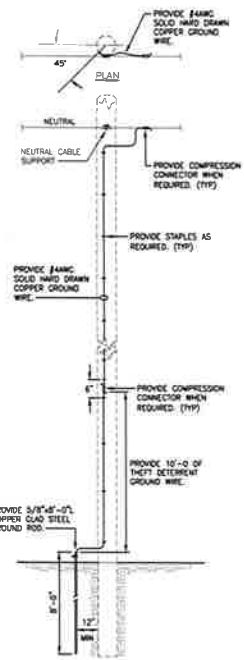
- DETAIL NOTES**
- A. CONDUIT STRAPS TO BE THE SAME SIZE TO ALLOW LOWER CONDUIT TO MOVE WITHIN STRAP.
  - B. DRILL TWO(2) 1/4\"/>



TYPICAL DIRECT BURIED CONDUIT IN CONCRETE SIDEWALK TRENCH DETAIL  
SCALE: N.T.S.



TYPICAL DIRECT BURIED CONDUIT IN LAWN AREA TRENCH DETAIL  
SCALE: N.T.S.



POLE GROUNDING DETAIL  
SCALE: N.T.S.

PRELIMINARY		
01/18/2021		
NO.	DATE	REVISION

**UTILITY ENGINEERS, PC**  
881 SAINT JOHN'S ROAD, SUITE 8, DRUMS, PA 19222  
TELE: (215) 788-2211 FAX: (215) 788-2217

**BOROUGH OF HATFIELD**  
MONTGOMERY COUNTY  
PENNSYLVANIA, 19440

43 ROOSEVELT AVENUE  
DETAILS

JOB NO.: HAT20-05  
DATE: 01/18/2021  
ENGR: N.P.B./J.C.L.  
DRAWING: S.A.L.  
SCALE: 1/8\"/>

E-2  
SHEET 01



## 4. Bennett's Court Preliminary Land Development Discussion:

## Michael DeFinis

---

**From:** Jim D'angelo [REDACTED]  
**Sent:** Thursday, January 28, 2021 6:05 PM  
**To:** Michael DeFinis  
**Cc:** Kris Reiss; Howard Brown; Catherine Harper; chad camburn  
**Subject:** Prestige Property Partners, LLC (Bennett's Court)

Mr. DeFinis,

Upon receipt of Bursich Associates Preliminary Plan Review #2 dated January 26, 2021, we would respectfully request a continuance to address several of the comments prior to an appearance in front of the Planning Commission. The hope being to resolve a large portion of the review comments, prior to a presentation in front of the Planning Commission.

Should Borough of Hartfield require a letter granting an extension of time to act on the Subdivision plan, I will certainly provide.

Regards,

Jim D'Angelo  
Prestige Property Partners, LLC.

[REDACTED]

[REDACTED]

[REDACTED]



## 5. Old Business:

### A. Edinburgh Square Land Development Update

6. New Business:  
A. 2021 Meeting Dates

PUBLIC NOTICE

**The Borough of Hatfield Council will hold its meetings for the year 2021 on the following dates:  
WORKSHOP / REGULAR MEETING. Meetings begin at 7:30 PM**

Borough Council Dates:

January 6, 2021  
January 20, 2021  
February 3, 2021  
February 17, 2021  
March 3, 2021  
March 17, 2021  
April 7, 2021  
April 21, 2021  
May 5, 2021  
May 19, 2021  
June 16, 2021  
July 21, 2021  
August 18, 2021  
September 1, 2021  
September 15, 2021 (Strategic Planning 5:30PM)  
September 15, 2021  
October 6, 2021  
October 20, 2021  
November 3, 2021  
November 17, 2021  
December 1, 2021  
December 15, 2021

**The Borough of Hatfield Planning Commission will hold its meetings for the year 2021 on the following dates. Meetings begin at 7:00 PM**

Planning Commission Dates:

January 4, 2021  
February 1, 2021  
March 1, 2021  
April 5, 2021  
May 3, 2021  
June 14, 2021 (Due to PSAB)  
July 12, 2021  
August 2, 2021  
August 30, 2021  
October 4, 2021  
November 1, 2021  
November 29, 2021

**The Borough of Hatfield HERC Committee will hold its meetings for the year 2021 on the following dates. Meetings begin at 8:00 AM**

HERC Meeting Dates:

January 27, 2021  
February 24, 2021  
March 24, 2021

April 28, 2021  
May 26, 2021  
June 23, 2021  
July 28, 2021  
August 25, 2021  
September 22, 2021  
October 27, 2021  
November 17, 2021  
December 15, 2021

The Borough of Hatfield Zoning Hearing Board convenes on a case-by-case basis. Sufficient public notice will be provided when applications for a hearing are submitted. **All meetings will be held at the Hatfield Borough Municipal Complex 401 South Main Street Hatfield, PA 19440.** The public is invited and encouraged to attend. The Municipal Complex is wheelchair accessible. Any person that requires a special accommodation should contact the Borough offices at 215-855-0781 at least three days in advance of the meeting.

Michael J. DeFinis  
Borough Manager/Secretary

**6. New Business:  
B. Codification**

# GENERAL CODE



## Proposal for Codification Services

PREPARED FOR:

Borough of Hatfield, Pennsylvania

PREPARED BY:

**MICHAEL PETER**

CODIFICATION ACCOUNT MANAGER

[REDACTED]  
[REDACTED]

DATE:

October 2, 2020  
(Valid for six months)

ITQ-28 Contract No. 4400022375  
ITQ-28 Vendor No. 540244



## Michael DeFinis

---

**From:** Michael Peter [redacted]@generalcode.com  
**Sent:** Friday, October 2, 2020 10:52 AM  
**To:** Michael DeFinis; Jaime Snyder  
**Subject:** Recodification proposal for Hatfield Borough [redacted]  
**Attachments:** Hatfield, B, PA Type 1S Proposal.pdf

Good Morning, Mike; Hi, Jaime,

Thank you for your interest in a Recodification Project for the Borough and for taking the time to meet yesterday. It was nice to meet you both. Mike, I know that we had actually met in person once before, and briefly, at that. I think it was PSAB 2018, though I'm not sure. And I'm pretty certain that we have never met at the Borough, despite having spoken over the phone many times over the years. In any event, it felt like a first time meeting, and I really enjoyed our conversation.

We've completed our review of the materials and I am pleased to present you with the attached proposal/agreement. This document explains who we are, what we do, how we do it, and the specifics of what we propose to do for the Borough. But for your quick reference, here is an at-a-glance list of project milestones and highlights.

General Code will:

- Initiate a Project Kick-Off Meeting. This will be where we transition the project from Sales to Editorial, and where you can bring up remaining questions you may have, as well as any special considerations you may want us to know about.
- Update your Code with uncodified legislation. This will be done before work begins on the Analysis and will be made available on eCode360 for normal access by staff and the public.
- Prepare a Draft Manuscript (DM) of the Code, along with an Editorial & Legal Analysis (ELA). The ELA document is the result of our reading of all of the Borough's ordinances and identifies conflicts and inconsistencies within your legislation, and areas where your ordinances no longer comport with state statutes. We also bring outdated provisions to your attention and make suggestions for modernizing your legislation. We take your feedback in all of this and roll it into the Draft version of your Code.
- Prepare a Draft of your new Code. This is your chance to review your new Code before we publish it.
- Publish your Code in print and online, as well as to provide you with an Adopting Ordinance. This document is used to formally adopt the Code and contains references to all of the changes you authorized in the ELA so that all those changes can be adopted in one fell swoop.
- Complete this work in approximately 18 months at a cost of \$12,495. NOTE: Please note that this proposal species only five sets of Code texts. Currently the Borough maintains 20 Codes. Most communities use a Recodification project to take an assessment of who actually still uses or needs a printed Code. Most communities now rely on the online Code. We can talk through this, but I did want to alert you of that and to point out that we provide options for you to get as many books as you like, and I can help you to interpret that as it could be confusing.

If you have any questions, please let me know; if I don't hear from you first, I'll be back in touch in a week, or so. We look forward to partnering with you and the Borough on this important initiative. When you are ready to authorize the

6. New Business:  
C. Feral Cat Ordinance / Chapter 2

# DRAFT

**HATFIELD BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,  
PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) OF THE CODE OF  
ORDINANCES OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,  
PENNSYLVANIA PROVIDING DEFINITIONS AND CONDITIONS TO REGULATE THE  
KEEPING OF ANIMALS IN THE BOROUGH**

**WHEREAS**, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter "Borough") is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Borough has enacted a Code of Ordinances pursuant to its statutory authority in the Pennsylvania Borough Code; and

**WHEREAS**, it is the intent of this ordinance to provide further regulations for animals, including feral cats, in the Borough in accordance with state law, while simultaneously advancing the substantial government interest of public safety, health and protection; and

**WHEREAS**, the Borough has recognized the need to amend the Code of Ordinances to add a section in Chapter 2, dealing with animals, to better address animals in the Borough as reflected herein.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, to add a new Part 5, "ANIMALS" to Chapter 2, "Animals," as follows:

## **CHAPTER 2 ANIMALS, PART 5,**

### **GENERALLY**

**SECTION 1.** Chapter 2 of the Borough Code of Ordinances, "Animals," shall be revised and amended to read as follows:

#### **§ 5-501. Purpose.**

The purpose of this chapter is to prohibit and to regulate the maintenance, keeping and possession of animals within the Borough in order to promote the health, safety and general welfare of its inhabitants.

#### **§ 5-502. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in

this section, except where the context in which the word is used clearly indicates otherwise:

ANIMAL — Any dog, cat, domesticated animal or nondomesticated animal.

BOROUGH — The Borough of Hatfield.

BOROUGH COUNCIL — The Borough Council of the Borough of Hatfield.

CAREGIVER — Any person who provides care, including food, water, shelter and in some cases, medical care to feral cats, and, in accordance with a program approved by the Borough to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they are trapped.

FERAL CAT — Any homeless, wild, or untamed cat.

MOTOR VEHICLE — A vehicle which is self-propelled except one which is propelled solely by human power or electric power obtained by overhead trolley wires, but not operated upon rails.

NUISANCE — An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys, such as a barking dog disturbing the peace and quiet of the surrounding neighbors between the hours of 10:00 p.m. to 7:00 a.m., or harms lawful users or occupants thereof or violates the provisions of §2-202 Noise Disturbance.

OWNER — Any person having a right of property in, having custody of or who harbors a dog, cat, domestic animal or any nondomesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

PERSON — A natural person, firm, partnership, association or corporation.

POLICE OFFICER — A Member of the Hatfield Township Police Department whose duty it is to preserve peace or to make arrest or to enforce any law.

RUNNING AT LARGE — Being upon any public highway, street, alley, park, any other public land or upon property of another person other than the owner and not being firmly secured by means of a collar and chain or other device so that it cannot stray; or not being accompanied by or under the reasonable contact of some person.

SPONSOR — An eligible animal welfare organization appointed by Borough of Hatfield to run a TNR program in the Borough.

STRAY CAT — Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

TRAP, NEUTER AND RETURN (TNR) — A nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped and then returned to the location where they were originally trapped.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or driven upon any highway, street, road or alley except devices used exclusively upon rails or tracks.

### **§ 5-503. Running at large.**

- A. No person shall permit any animal (See § 5-508 and § 5-509 regarding stray cats) owned by him or under his supervision or control to run at large at any time upon the public streets, alleys, highways, or public grounds of the Borough, or upon the private property of

any other person or upon any property other than property belonging to the owner of such animal or to a person under whose supervision or control of such animal is being kept. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray, or must be accompanied by or under the reasonable control of some person.

- B. Any police officer or law enforcement officer is hereby authorized and empowered to seize and detain any animal which is found running at large in the Borough, or upon any property other than the property of the owner of such animal, and unaccompanied by the owner when such police officer or law enforcement officer is in immediate pursuit of such animal.
- C. The provisions of this section shall apply to all animals found running at large in violation of this section, irrespective of payment for or issuance of any license in respect to the animal involved.
- D. The Borough Council is hereby empowered and authorized to engage the services of a qualified and suitable person to enforce the provisions of this section.

#### **§ 5-504. Impounding.**

Any police officer or law enforcement officer of the Borough is hereby authorized to seize and detain any animal running at large in violation of § 5-503 or any animal concerning which information has been received that such animal has been running at large. Any animal so seized shall be held by the Borough for 48 hours. Immediate notice of such seizure, either personally or by certified mail or email, with return receipt requested, shall be given to the person in whose name the license, if any, was issued, or his agent, to claim such animal within 48 hours after receipt hereof. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail or email, return receipt requested, shall be given to the person, or his agent, known to be the owner of such animal. The owner or claimant of an animal so detained shall pay a penalty of \$50 to the Borough, together with a charge as set forth from time to time by resolution of the Borough Council per day for room and board or daily charge of the shelter where the animal is kept, whichever amount is greater. No animal shall be returned to the owner or claimant until said penalty and expense or charges shall be paid.

#### **§ 5-505. Disposition of any unclaimed animal.**

If, after 48 hours of such notice as set forth in § 5-504, such animal has not been claimed, the police officer or law enforcement officer shall convey the animal to a shelter, animal rescue, or foster care. No licensed animal shall be adopted, sold or otherwise disposed of unless such licensed animal remains unclaimed five days after notification, evidenced by obtaining a return receipt if notified by certified mail or e-mail. Where the owner or agent of an unlicensed animal is not known, the police officer or law enforcement officer shall convey such animal to a shelter, animal rescue, or foster care. No animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

#### **§ 5-506. Transportation of animals.**

No person, other than a person actually working a dog or other animal for agricultural purposes, shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown

from or out of or jumping from said motor vehicle.

**§ 5-507. Unattended animal.**

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or animal.

**§ 5-508. Responsibilities of cat owners regarding stray cats.**

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Identified by means of a collar with a tag or a microchip. The identification must provide the owner's name and contact information.

**§ 5-509. Requirements for feral cats.**

It shall be unlawful for any person to feed feral cats unless said person cooperates with a humane program sponsored by the Borough and adheres to the strict guidelines set forth by Borough. When dealing with feral cats:

- A. It is unlawful for any person or organization to intentionally provide food, water, shelter, or other forms of sustenance or care to a feral cat colony or colonies on public or private land unless the person or organization has registered the colony or colonies with the Animal Control Officer and therefore must adhere to the following requirements:
  - (1) All adult cats that can be captured must be spayed or neutered;
  - (2) All cats that can be captured must be vaccinated against rabies, preferably with a three-year vaccine;
  - (3) Make every attempt to remove kittens from the colony as early as appropriate for their well-being before eight weeks of age for domestication and placement;
  - (4) Make every attempt to remove sick or injured cats from the colony for veterinary care or humane euthanasia;
  - (5) Assure responsibility and arrangements for feeding the cat colony or colonies regularly throughout the year;
  - (6) Make every attempt to ear tip all cats with a single cut preferably on the left ear; and
  - (7) Maintain proof of sterilization, vaccination, and other medical records for all cats in the colony or colonies. These records must be provided to the Animal Control Officer upon request.
- B. Any person or caregiver determined to be in violation of Subsection A(1) through (7) above shall be issued a warning and be allowed a period of time in the discretion of the Animal Control Officer of no longer than 30 days to come in to compliance, or to provide

satisfactory evidence of working to achieve compliance. Failure to fully comply shall constitute a violation of this chapter, which may result in the issuance of a citation.

- C. The Borough has the right to seize/remove the colony or colonies on public or private property if the above requirements are not met and/or conditions of the colony or colonies pose a risk to public health and safety.
- D. It shall be unlawful for any person or organization to destroy any traps or release any cats which have been captured pursuant to any humane efforts on behalf of the Borough.
- E. It shall be unlawful for any person or organization to perform any of the actions regulated in Subsection A on private property which they do not own. Under no circumstances are any actions permitted on another person's or organization's property without consent of the owner.

**§ 5-510. Responsibilities of TNR program sponsors.**

Animal welfare organizations may make application to the Borough to serve as a sponsor of a TNR program. Sponsors appointed by the Borough shall have the following responsibilities:

- A. Register each feral cat colony they are managing with the Borough. Information submitted to the Borough shall include general location (neighborhood), number of cats in the colony, and number of caretakers working with the colony.
- B. Record and report to the Borough, on an annual basis, the intake and disposition of each feral cat brought to their facility.
- C. Record and report to the Borough, on an annual basis, the total number of members and the number of sterilized members of each feral cat colony within the Borough for which they have implemented a TNR program.
- D. Record and report to the Borough, on an annual basis, the number of kittens born into each feral cat colony within the Borough for which they have implemented a TNR program.
- E. Address complaints received by the Borough and passed along to the sponsor regarding caretaker behavior and serve as an intermediary to address and, where possible, remediate the behavior within a reasonable period of time, based on the matters at issue and utilizing Borough resources when necessary.

**§ 5-511. Violations and penalties.**

Any person, organization, firm or corporation who shall violate any provision of this chapter, 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 less than \$100 and not more than \$500, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

**§ 5-512. Continuation of prior provisions.**

The provisions of this chapter, as far as they are the same as those of ordinances in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances and not as new enactments. The provisions of this chapter shall not affect any such suit or prosecuting pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this chapter.

**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, preclude, or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 3.** Repealer. All ordinances or parts of ordinances inconsistent herewith are in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts, are hereby repealed.

**SECTION 4.** This Ordinance shall take effect as provided by law.

**ORDAINED AND ENACTED** by the Borough Council of HATFIELD BOROUGH on this

\_\_\_\_\_ day of \_\_\_\_\_, 2020 with \_\_\_\_\_ Council Members

\_\_\_\_\_ voting "aye" and \_\_\_\_\_ voting  
"nay".

Attest:

HATFIELD BOROUGH

\_\_\_\_\_  
Michael J. DeFinis, Secretary

By: \_\_\_\_\_  
John H. Weierman, Council President

Approved by the Mayor:

\_\_\_\_\_  
Robert L. Kaler, III

Date: \_\_\_\_\_



## 6. New Business:

D. Sewer Lateral Repair Ordinance / Chapter 18

*draft*  
**BOROUGH OF HATFIELD**  
**MONTGOMERY COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. \_\_\_\_**

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**AN ORDINANCE AMENDING CHAPTER 18 OF THE BOROUGH OF HATFIELD CODE, ENTITLED "SEWERS AND SEWAGE DISPOSAL," TO ADD REQUIREMENTS FOR PRIVATE SEWER LATERAL INSPECTIONS UPON THE SALE OR TRANSFER OF PROPERTIES WITHIN THE BOROUGH IN ACCORDANCE WITH CHAPTER 5 "CODE ENFORCEMENT" PROPERTY TRANSFER CERTIFICATIONS.**

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**RECITALS:**

**A.** The Borough Code authorizes the Hatfield Borough Council to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Borough and welfare of the Borough and its citizens.

**B.** The Pennsylvania Department of Environmental Protection has informed the Borough and the Hatfield Township Municipal Authority of identified Inflow and Infiltration issues within the public sanitary sewer system in Hatfield Borough and Hatfield Township.

**C.** Inflow and Infiltration can damage public sanitary sewer systems and poses a threat to the health, safety, and welfare of the residents served by such public sanitary sewer system by events such as sanitary sewer overflows.

**D.** The Borough Code authorizes the Borough Council to adopt rules and regulations governing the connections and use of public sanitary sewer systems within the Borough.

**E.** The Borough Council of Hatfield desires to amend Chapter 18 of the Borough of Hatfield Code, entitled "Sewers and Sewage Disposal", to establish requirements for the inspection of private sewer laterals upon the sale or transfer of properties located within the Borough.

**F.** The inspection of such private laterals will identify issues with the laterals, including inflow and infiltration, connected to the public sanitary sewer system.

**G.** The Borough Council of the Borough of Hatfield, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Borough of Hatfield will be served by adopting this ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of Hatfield, as follows:

**SECTION 1. CODE AMENDMENTS.**

The Hatfield Code is hereby amended as follows:

**Chapter 18, Part 6, entitled “Lateral Inspection Program” of the Hatfield Borough Code is hereby added as follows:**

**§18-601** Definitions.

**AUTHORITY**

Hatfield Township Municipal Authority

**SEWER SYSTEM**

The public sanitary sewer system, together with appurtenant facilities about to be constructed for the Borough and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough or to any part or parts of any or all thereof and shall specifically include all presently existing public sewer lines now owned or hereafter acquired by the Borough or the Authority.

**PRIVATE SEWER SERVICE LATERAL**

The private sewer pipe extending from a building to the public sanitary sewer system. lateral. Such private sewer pipe shall include the private 4" (or other) sewer pipe to its transition to the public 6" service lateral in the public right of way. Where no such transition exists, the private sewer pipe shall include the sewer pipe from the building to the public right of way, and to the easement demarcation line when the private line connects to a public sewer that is located within an easement. If a property contains a different set-up for the Private Sewer Service Lateral, this ordinance shall remain applicable and such Private Sewer Service Lateral shall be inspected in accordance with this ordinance. All Private Sewer Service Laterals shall comply with the Borough's and the Authority's then current adopted specifications.

**TRANSFER**

The transfer of title to real estate whether by sale, gift or otherwise, which requires a Property Transfer Certification in accordance with §5-209 of the Hatfield Borough Code of Ordinances.

**§18-602** Inspection required upon transfer of properties.

(1) In addition to the requirements of §5-209 relating to Property Transfer Certification, the seller of any residential property located in the BOROUGH, which is connected to the System shall be required to retain the services of a master plumber or utility

contractor for the purposes of conducting an inspection of the Private Sewer Service Lateral. The inspection shall require a video inspection of the Private Sanitary Sewer Lateral from the residence or other connected structure to the connection to the System and contain a report of the inspection result. Such video shall be given to the Borough for review.

(2) Should the Private Sewer Service Lateral be found to be defective, based upon the Borough's or Authority's rules, regulations, and resolutions and/or sound engineering practice, the lateral pipe shall be replaced, realigned or otherwise corrected. In the sole discretion of the Borough, limited permission for spot and/or minor repairs and maintenance may be granted. The pipe replacement/realigning/spot repair shall be performed by a master plumber or utility contractor in accordance with Borough Code of Ordinances requirements; as well as the Borough's and Authority's rules, regulations, and resolutions and in accordance with industry standards. Any defect in the Private Sewer Service Lateral is hereby deemed a substantial violation of the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081 et seq., as inadequate sanitary facilities and the health risks posed to adjoining properties.

(3) In the event that any Transfer occurs without an inspection having been conducted and without the seller obtaining a certified report, the buyer or purchaser of the property shall be responsible for having the aforementioned inspection conducted and for the submission of the certified result to the Borough.

(4) This section shall not apply to a transfer of newly constructed properties.

(5) The Borough, upon payment of any application and inspection fee and, upon the Borough's receipt and approval of the inspection report required above, including a copy of the televised video inspection, the report specifically certifying that there is no inflow and/or infiltration into the private sewer service lateral, nor any illegal connections and that the clean-out vent is capped and not damaged; shall issue a private sewer service lateral inspection permit to the seller who shall deliver said permit to the buyer or lessee of the property at the time of the Transfer.

(6) In the event that the property owner fails to repair or replace the Private Sewer Service Lateral as required, the Borough shall be authorized as permitted by law to go onto the property and repair or replace the Private Sewer Service Lateral and charge the property owner for the cost and expenses incurred by the Borough to repair or replace the Private Sewer Service Lateral. In the event that satisfactory payment arrangements are not agreed upon between the Borough and the property owner, the Borough may file a municipal lien against the property pursuant to Pennsylvania's Municipal Claims Act and/or pursue other legal remedies for the collection of same. In addition thereto, the Borough can refuse the issuance of a Property Transfer Certification or use and occupancy permit if the necessary repairs or replacement are not completed.

(7) During the inspection of the Private Sewer Service Lateral, the property owner shall permit the designated employees or agents of the Borough access to the property to make necessary inspections and observations.

(8) The master plumber or utility contractor utilized by the property owner must be registered with the Borough, own its equipment, and have appropriate insurance, in compliance with industry standards, to perform such work.

(9) If the subject property has been Transferred within the previous twelve (12) months, and a Private Sewer Service Lateral was inspected as part of that Transfer, or the Borough has received or performed an inspection of the Private Sewer Service lateral within the previous twelve (12) months, the property shall be exempt from the inspection requirements detailed herein.

**SECTION 2. AMENDMENT TO CHAPTER 5, "CODE ENFORCEMENT".** Chapter 5, "Code Enforcement," is hereby amended to add a new section to §5-209.3, "Certification and Code Compliance," to add a new section, §5-209.3.D. "Lateral Inspection Program. The owner shall comply with the requirements of Chapter 18, Part 6, Lateral Inspection Program."

**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.

**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, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of Hatfield Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** by the Borough Council of HATFIELD BOROUGH on this

\_\_\_\_\_ day of \_\_\_\_\_, 2021 with \_\_\_\_\_ Council Members

\_\_\_\_\_ voting "aye" and \_\_\_\_\_ voting "nay."

Attest:

HATFIELD BOROUGH

\_\_\_\_\_  
Michael J. DeFinis, Secretary

By: \_\_\_\_\_  
John H. Weierman, Council President

Approved by the Mayor:

\_\_\_\_\_  
Robert L. Kaler, III

Date: \_\_\_\_\_

## 7. Action Items:

8. Next Meeting Monday March 1, 2021  
7:00PM



## 9. Motion to Adjourn