

WEST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 23-08

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST BRADFORD TOWNSHIP CODE AT CHAPTER 315. PROPERTY MAINTENANCE IN ORDER TO ADDRESS DANGEROUS TREES AND AT CHAPTER 450. ZONING FOR NECESSARY UPDATES AS FOLLOWS: SECTION 450-8 TO PROVIDE FOR AN UPDATED DEFINITION OF MUNICIPAL USE; SECTION 450-48 TO PROVIDE FOR STANDARD CROSSWALK DESIGNS IN THE TND-2 DISTRICT; SECTION 450-64 REGARDING CONDITIONAL USE PROCEDURES; SECTION 450-65.C TO CLARIFY POOL SETBACKS; SECTION 450-72.A TO CHANGE WORDING TO MANDATE CERTAIN REGULATIONS BE HELD APPLICABLE; SECTION 450-74.B(10) TO BE REMOVED ENTIRELY; SECTION 450-77.A REGARDING ZONING ORDINANCE AMENDMENT PROCEDURES; SECTION 450-81.A REGARDING ZONING HEARING BOARD PROCEDURES; AND PROVIDING SEVERABILITY, REPEALER, GENERAL CODE AND EFFECTIVE DATE PROVISIONS.

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of West Bradford Township, that the Code of the Township of West Bradford, shall be amended as follows:

SECTION 1. Chapter 315. Property Maintenance of the Township Code shall be amended at Section 315-2 to insert the following new provisions at Section 315-2.G.1 to add to the International Property Maintenance Code, 2021 Edition, as adopted by the Township:

“G.1. The following provisions shall be added as a new Section 302.10. **Diseased or Dangerous Trees.**

A. Removal of diseased or dangerous trees from public streets and public rights-of-way.

1. The property owner or person in possession and control of property within the Township shall be responsible for maintaining any and all trees, branches, vines, shrubs and other landscaping on their property so that they do not unreasonably affect or interfere with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or public property. If the condition of any tree, branch, vine, shrub or other landscaping on private property in the Township, because of disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or property, the Township shall send written notice as provided for in this code to the

property owner or person in possession and control of the property ordering that such obstruction be cut and/or removed from the public road or public property, and the Township shall follow the enforcement procedures set forth in the code. If the property owner fails to remove such obstruction within the prescribed time, the Township may enter the property and remove the obstruction. Thereafter, the Township's cost of cutting and/or removing the obstruction shall be billed to the property owner or the person in possession and control of the property and shall be due and payable to the Township.

2. In the event that a tree, branch, vine, shrub or other landscaping has fallen into the Township right-of-way and obstructs the use of the public roads or is creating a hazardous condition which requires immediate attention, the Township is authorized to immediately remove the obstruction from the right-of-way and bill the property owner for the cost of removing the obstruction."

SECTION 2. Chapter 450. Zoning of the Township Code shall be amended at Section 450-8 to replace the definition of "Municipal Use(s)" to read as follows:

"MUNICIPAL USE(S)

A use by West Bradford Township or by any municipal authority incorporated by the Township of West Bradford, Chester County, Pennsylvania inclusive of, but not limited to, uses such as a public recreation area, park, swimming pool, municipal offices, police station, water and sewage facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses."

SECTION 3. Chapter 450. Zoning of the Township Code shall be amended at Section 450-48.E.(4) to be replaced and read as follows:

"(4) Crosswalks shall be provided across new streets at intersections. Crosswalks shall be installed as either standard crosswalk design Type B – Diagonal or Type C-Perpendicular as depicted in PennDot Publication 111, Traffic Control – Pavement Markings and Signing Standards, as amended. These designs consist of transverse retroreflective white stripes but such designs may be modified to be consistent with any updates in PennDOT regulations."

SECTION 4. Chapter 450. Zoning of the Township Code shall be amended at Section 450-64 to be replaced and read as follows:

"§ 450-64. Conditional use regulations.

A. General provisions. Where conditional uses are provided for in this chapter, the Board of Supervisors shall hear and decide requests for such conditional use in

accordance with the standards, criteria and procedures in this chapter and subject to the following requirements:

- (1) All requests for conditional use will first be sent by the Board of Supervisors to the Planning Commission for review and recommendation.
- (2) The applicant shall send written notification of the filing of a conditional use application with the Board of Supervisors to all property owners within 250 feet of the subject property. The names and addresses of the property owners shall be obtained from records of the Chester County Tax Assessment Office. The notification shall be sent by regular first class mail a minimum of two weeks before the first scheduled public hearing of the Board of Supervisors. At the hearing, the applicant shall provide a copy of each notification sent. The written notice shall contain the time and place of the hearing and a description of the application to be considered at the hearing. Good faith efforts to satisfy notification requirements may be deemed sufficient and any discrepancies as to proper notice may be waived by the Board of Supervisors as such additional written notice is not required by the Pennsylvania Municipalities Planning Code.
- (3) The applicant has the burden of proving the following criteria:
 - (a)The property is suitable for the use desired.
 - (b)The proposed request is consistent with the spirit, purpose and intent of this chapter.
 - (c)The proposed conditional use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - (d)The proposed conditional use will serve the best interests of the Township, the convenience of the community, and the public welfare.
 - (e)There will be no adverse effect from the proposed conditional use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.
 - (f)The proposed location of an industrial or commercial use is suitable with respect to probable effects upon highway traffic, assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard, and the proposed use will not increase the flow of traffic on adjoining roads below level of service C as defined by the Pennsylvania Department of Transportation.

(g)The adequacy of sewage and water facilities to serve the proposed use.

(4) In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement the purpose of this chapter.”

SECTION 5. Chapter 450. Zoning of the Township Code shall be amended at Section 450-65.C shall be amended to include a new subsection (3) as follows:

“(3) Swimming pools, inclusive of associated decking and equipment, must also be located behind the front façade of the existing residential dwelling, and shall have a minimum setback of ten (10’) feet from both the rear and side property lines.”

SECTION 6. Chapter 450. Zoning of the Township Code shall be amended at Section 450-72.A to remove the word “may” and replace it with the word “shall”.

SECTION 7. Chapter 450. Zoning of the Township Code shall be amended to entirely delete Section 450-74.B(10).

SECTION 8. Chapter 450. Zoning of the Township Code shall be amended at Section 450-77.A to read as follows:

“A. The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map. Any amendment, supplement, reclassification or change may be initiated by the Township Planning Commission, Board of Supervisors, or by a petition to the Board of Supervisors from the owners of the property proposed to be changed. If desired, the Board of Supervisors shall fix the time and place of a public hearing on the proposed change, amendment or repeal and adhere to all requirements in the Pennsylvania Municipalities Planning Code for adoption of a zoning ordinance amendment.”

SECTION 9. Chapter 450. Zoning of the Township Code shall be amended at Section 450-81.A to read as follows:

“§ 450-81.A. The Board shall conduct hearings and make decisions in accordance with the following requirements.

A. The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:

(1) By publishing a notice once each week for two successive weeks in a newspaper of general circulation in the Township. 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 not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

- (2) By mailing a notice thereof to the applicant, the zoning officer, and to any person who has made timely request for same or registered with the Board for the purpose of receiving such notices.
- (3) In addition to the above requirements, the Township shall post notice of said hearing in a conspicuous location on the affected tract of land at least one week prior to the hearing.
- (4) The applicant shall send written notification of the filing of an application with the Zoning Hearing Board to all property owners whose land is located within 250 feet of the subject property. The names and addresses of the property owners shall be obtained from records of the Chester County Tax Assessment Office. The notification shall be sent by regular first class mail a minimum of two weeks before the first scheduled public hearing of the Zoning Hearing Board. At the hearing, the applicant shall provide a copy of each notification sent. The written notice shall contain the time and place of the hearing and a description of the zoning relief requested by the applicant. Good faith efforts to satisfy such notice requirements may be deemed adequate by the Board and the Board may, in its sole discretion, determine to waive any discrepancies as to such notices."

SECTION 10. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 11. General Code. General Code is hereby authorized to make whatever numbering and formatting changes are needed in order to properly codify this ordinance and properly incorporate this ordinance into the Township's online Code.

SECTION 12. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 13. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ADOPTED by the Board of Supervisors this ____ day of _____, 2024.

ATTEST:

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**

Justin V. Yaich
Township Secretary

By: _____
Jack M. Hines, Jr., Chair

By: _____
Kevin Houghton, Vice Chair

By: _____
Laurie W. Abele, Member