

WEST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 23-10

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST BRADFORD TOWNSHIP OFFICIAL MAP, WHICH IS CODIFIED IN CHAPTER 276 OF THE WEST BRADFORD TOWNSHIP CODE, FOR THE PURPOSE OF SERVING AND PROMOTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE; TO FACILITATE ADEQUATE PROVISION OF PUBLIC STREETS AND FACILITIES; TO IMPROVE TRAFFIC CIRCULATION; TO PROVIDE FOR THE RECREATIONAL AND OPEN SPACE NEEDS OF THE COMMUNITY; TO PROTECT AND ENHANCE WATER RESOURCES; TO FACILITATE THE SUBDIVISION OF LAND AND THE USE OF LAND AND WATERCOURSES; AND TO BE CONSISTENT WITH ARTICLE IV OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE REGARDING THE OFFICIAL MAP; AND PROVIDING SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10401-10408, empowers the Board of Supervisors ("Board") to enact an official map and to provide for its administration, enforcement, and amendment; and

WHEREAS, pursuant to the authority of Section 401 of the MPC, 53 P.S. § 10401, the Board directed the Township planner, Thomas Comitta Associates, Inc. and the Township staff to update the West Bradford Township Official Map to be consistent with the Comprehensive Plan (the "Proposed Official Map"); and

WHEREAS, at its public meeting on January 22, 2024, the West Bradford Township Planning Commission recommended approval of the Proposed Official Map; and

WHEREAS, pursuant to Section 408(b) of the MPC, 53 P.S. § 10408(b), the Township sent a copy of the Proposed Official Map to the Chester County Planning Commission ("CCPC") for review and comment on December 14, 2023 and the CCPC issued its recommendations to the Board in a review letter dated January 19, 2024; and

WHEREAS, pursuant to Section 408(c) of the MPC, 53 P.S. § 10408(c), the Township sent a copy of the Proposed Official Map to adjoining municipalities for review and comment on December 14, 2023; and

WHEREAS, pursuant to Section 402(b) of the MPC, 53 P.S. § 10402(b), the Board conducted a public hearing pursuant to public notice on February 13, 2024, where it considered the Proposed Official Map;

NOW THEREFORE IT IS ENACTED AND ORDAINED by the Board of Supervisors of West Bradford Township, as follows:

SECTION 1. Chapter 276 of the Code of the Township of West Bradford, titled "Official Map" shall be amended in its entirety as follows:

"CHAPTER 276

OFFICIAL MAP

§276-1. Purpose.

This Ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to protect and enhance water resources; to facilitate the subdivision of land and the use of land and watercourses; and to be consistent with Article IV of the Pennsylvania Municipalities Planning Code regarding the Official Map.

§276-2. Definitions.

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

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

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

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

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

Public Grounds-

- A. Parks, playgrounds, pathways, trails, sidewalks, and other public recreation areas.
- B. Sites for schools, sewage treatment, spray fields, refuse disposal, and other publicly owned or operated facilities, such as public parking, pedestrian road crossing improvements, and road intersection improvements.

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

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

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

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

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

§276-3. Adoption of the Official Map.

- A. The Official Map, prepared by Thomas Comitta & Associates, Inc, dated March 12, 2024, and all notations, references and other data shown thereon, is hereby adopted and incorporated by reference into this Ordinance as if it were fully described herein. A copy of the Official Map is attached hereto as Exhibit "A".
- B. Certification of the Official Map. The Official Map shall be identified by the signatures of the West Bradford Township Board of Supervisors, attested by the Township Secretary under the following words: "This is to certify that this is the Official Map of West Bradford Township referred to in Ordinance 23-10, together with the date of enactment of this Ordinance." The map shall be kept on file with the Municipal Manager.
- C. The Official Map and this Ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and this Ordinance of West Bradford Township, Chester County, Pennsylvania shall be recorded in the Chester County Recorder of Deeds Office.

§276-4. Provisions of the Official Map.

- A. The Official Map, which is attached hereto as Exhibit "A", identifies the location of the lines of existing and proposed public streets, watercourses, trails, sidewalks, pedestrian road improvements, intersection improvements, spray fields, and open space, parks and preserves.
- B. The governing body, by amending ordinances, may make additions or modifications to the Official Map or part thereof by following the provisions in the

Pennsylvania Municipalities Planning Code, 53 P.S. § 10401-10408, and may also vacate any existing or proposed public street, watercourse, or public ground contained in the Official Map, or part thereof.

C. Unless otherwise specified, all proposed public street rights-of-way and widenings of existing public street rights-of-way shall meet the width requirements specified in the West Bradford Township Subdivision and Land Development Ordinance, for the street classification so designated.

§276-5. Changes in the Official Map.

If, in accordance with the provisions of Article IV of the MPC and this Ordinance, changes are made to the location of lines designating existing or proposed public streets, watercourses, or public grounds, such changes shall be entered promptly on said map. All changes, except those resulting from subdivision and land development plans as specified in §275-10 below, shall be certified by initialing of the map by the Chair of the West Bradford Township Board of Supervisors together with the amending ordinance number and date of enactment.

§276-6. Relationship with County Official Map.

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

§276-7. Construction within Mapped Streets, Watercourses or Public Grounds.

- A. For the purpose of preserving the integrity of the Official Map of the municipality, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement built in violation of this section shall be removed at the expense of the owner. However, when the property owner which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a special encroachment permit to so build. Before granting any special encroachment permit authorized in this section, the governing body may submit the application for a special encroachment permit to the local planning agency and allow the planning agency thirty (30) days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall

have an opportunity to be heard. A refusal by the governing body to grant the special encroachment permit applied for may be appealed by the applicant to the zoning hearing board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code.

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

§276-8. Release of Damage Claims or Compensation

The governing body may designate any of its agencies to negotiate with the owner of land whereon reservations are made, releases of claims for damages or compensation for such reservations are required or agreements indemnifying the governing body from such claims by others may be required. Any release or agreements when properly executed by the governing body and the owner, and recorded, shall be binding upon any successor in title.

§276-9. Effect of approved plans on Official Map.

After adoption of the Official Map, or part thereof, all streets, watercourses, and public grounds and the elements listed in Section 401 on final, recorded plats, which have been approved as provided by the West Bradford Township Subdivision and Land Development Ordinance, shall be deemed amendments of the Official Map.

Notwithstanding any of the other terms of this ordinance, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved as provided by the West Bradford Township Subdivision and Land Development Ordinance."

SECTION 2. 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.

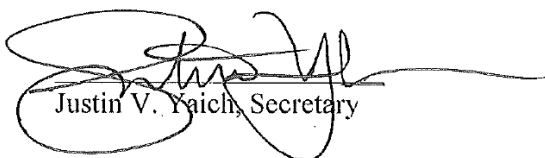
SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance, including but not limited to Ordinance No. 1997-07 adopted on November 25, 1997.

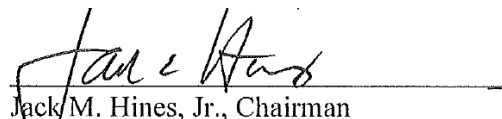
SECTION 4. Effective Date. This Ordinance shall be effective five days following enactment as by law provided.

ENACTED AND ORDAINED this 12th day of March, 2024.

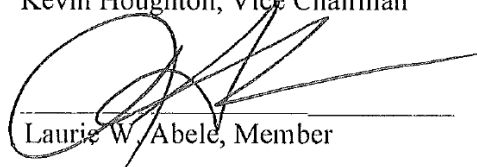
ATTEST:

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**


Justin V. Yaich, Secretary


Jack M. Hines, Jr., Chairman


Kevin Houghton, Vice Chairman


Laurie W. Abele, Member