

HAMILTONBAN TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2013-03

AN ORDINANCE PROVIDING FOR CONSTRUCTION AND MATERIAL SPECIFICATIONS; MODIFICATIONS TO AND ADMINISTRATION AND ENFORCEMENT OF SPECIFICATIONS; VIOLATION, PENALTY AND APPEAL

WHEREAS, the Board of Supervisors of Hamiltonban Township has adopted various ordinances regulating the development and improvement of land in the Township; and

WHEREAS, such adopted ordinances do not presently provide for a comprehensive set of construction and material specifications applicable to such activities; and

WHEREAS, the Board of Supervisors believes that it is in the best interest of the Township, its residents and property owners to adopt and administer a comprehensive set of construction and materials specifications applicable to development and improvement of land in the Township.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Hamiltonban, as follows:

Section 1. Short Title

This Ordinance shall be known and may be cited as the "Hamiltonban Township Construction and Materials Specifications Ordinance,"

Section 2. Purpose

The purpose of this Ordinance is to provide for the health, safety and welfare of the residents and property owners of Hamiltonban Township by establishing a comprehensive set of specifications for construction and materials applicable to land development and associated improvements throughout the Township. As illustration (and not intended as a complete subject list), the specifications address excavation; placement and compacting of fill materials; grading, seeding and sodding; line testing; and mains and pipes.

Section 3. Enabling Authority

This Ordinance is enacted pursuant to the enabling authority of the Pennsylvania Second Class Township Code, 53 P.S. §§ 65101 *et seq.*, Section 1506 (General Powers) and 1517 (Building and Housing Regulations).

Section 4. Scope

This Ordinance shall apply to land development and associated improvements of or on land located, in whole or in part, in the Township, and to street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, except as may be regulated by other ordinance of the Township subject to the following:

- a. All building permit applications are subject to the prevailing Township Zoning Ordinance and other applicable ordinances.
- b. All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance and Subdivision and Land Development Ordinance, and all other applicable ordinances.
- c. Whenever there exists a conflict between this Ordinance and any other applicable ordinance, the more stringent requirement shall apply.

Section 5. Construction and Material Specifications

The construction and material specifications that are the subject of this Ordinance are set forth in the document entitled "Construction and Material Specifications, Hamiltonban Township, Adams County", which document is attached hereto and made a part of this Ordinance as if set forth herein in its entirety.

Section 6. Modification

- a. The Board of Supervisors, at its sole discretion, may grant a modification, including but not limited to a waiver, of a specification when the literal enforcement is shown to the satisfaction of the Board of Supervisors to be unreasonable, to cause undue hardship, or when an alternative specification can be demonstrated to provide equal or better results; provided, in each case, that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. The Board of Supervisors may grant a modification subject to condition(s).
- b. A request for modification shall be in writing and shall identify the specification involved; state in full the grounds and facts of unreasonableness, hardship or equal or better results on which the request is based; and specify the minimum modification necessary.

Section 7. Administration and Enforcement

The Township Engineer, or any other agent specifically designated by the Board of Supervisors of the Township of Hamiltonban for this purpose, shall have primary administration and enforcement responsibility and authority under this Ordinance.

Section 8. Violation; Penalty

Any person violating any of the provisions of this Ordinance, or, who assists in the violation of this Ordinance, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), plus cost of prosecution, including reasonable attorney's fees. Every violator of a provision of this Ordinance shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalty imposed by this Section for each and every separate offense.

Section 9. Appeal

- a. Appeal from the administration or enforcement of the Ordinance by the Township Engineer, or other designated officer of the Township, may be taken to the Board of Supervisors.

- b. Appeal from the decision of the Board of Supervisors (i) on appeal from the administration or enforcement of the Ordinance by the Township Engineer Officer, or other designated officer, or (ii) granting or denying a request for modification, may be taken to the Court of Common Pleas of Adams County within thirty (30) days of the date of the decision.

Section 10. Additional Rules and Regulations

Future additions, corrections and amendments to said Construction Specification Manual may be amended by the Board of Supervisors, from time to time, by way of resolution(s) duly passed by the Board of Supervisors.

Section 10. Effective Date

Enacted and ordained this 4th day of June, 2013.

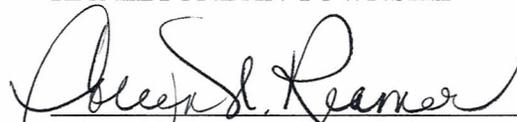
HAMILTONBAN TOWNSHIP

By: 
Robert L. Gordon, Chairman, Board of Supervisors

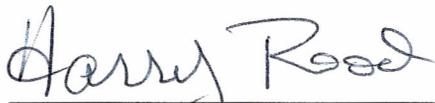
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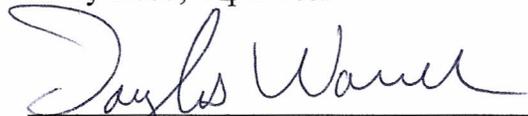

Deborah K. Feiler, Township Secretary

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