

**TOWNSHIP OF EAST FALLOWFIELD  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2018-XX**

**AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA, ESTABLISHING THE TOWNSHIP OFFICIAL MAP  
ORDINANCE.**

**SECTION 100. GENERAL PROVISIONS.**

- A. Short Title.** This Ordinance shall be known, and may be cited, as the East Fallowfield Township Official Map Ordinance of 2018.
- B. Authority.** The Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended. The East Fallowfield Township Code shall hereby be codified to incorporate the instant ordinance provisions.
- C. Purpose.** This Ordinance is enacted for the following purposes:
1. To serve and promote the public health, safety, and general welfare of the residents of East Fallowfield Township;
  2. To provide for the recreational and open space needs of the community; and,
  3. To accommodate the maintenance and development of a Township trail network.
- D. Severability.** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the Ordinance than one so declared.

**SECTION 200. LANGUAGE INTERPRETATIONS AND DEFINITIONS.**

- A.** The following words and phrases shall be construed throughout this Ordinance to have the meaning indicated in this Section. The present tense includes the future; the singular number includes the plural, and the plural the singular, except where the quantity stated is a part of the regulation; the masculine gender includes the feminine and neuter.
- B.** The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C.** The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D.** The word (shall) and “must” are mandatory, the words “may” and “should” are permissive.

- E. The words “used” and “occupied” included the words “intended, designed, maintained, or arranged to be used or occupied.”
- F. **Definitions.** Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning as set forth in the Township Zoning Ordinance, and, if not defined in the Zoning Ordinance, then such words or terms shall be used with a meaning of standard usage.

## **SECTION 300. ESTABLISHMENT OF CONTROLS.**

- A. The Official Map shall identify the following:
  - 1. Existing Trails. These consist of trails within existing residential developments and the East Fallowfield Township Park.
  - 2. Proposed Trails. These are proposed trail corridors. These trails are to be developed within public road rights-of-way or within 20-foot wide trail easements.
  - 3. Existing Public Lands. These are lands currently owned by East Fallowfield Township or the Coatesville Area School District.
  - 4. Proposed Public Lands. These are lands, consisting of entire tax parcels that the Township intends to acquire in fee or with easements to allow their public use for passive and/or active recreation.
  - 5. Private Open Space. These are lands owned and administered by Home Owner Associations which are not available for public use.
  - 6. Existing Gravity and Forced sewer lines.
  - 7. Proposed Sewer Pump Stations. Areas identified in the township Sewage Facilities Plan for the future location of pump stations.
- B. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other method sufficient for the identification, description and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by meets and bounds shall be made and sealed by a professional surveyor, licensed in Pennsylvania.
- C. The Board, by amending ordinances and approving plats, may make additions or modifications to the Official Map or part(s) thereof by following the provisions in Section 500.A.1. above and may also vacate any proposed trail corridors and/or trail heads or proposed public lands.
- D. Unless otherwise specified, all proposed trails shall meet the requirements specified in the East Fallowfield Township Subdivision and Land Development Ordinance or the most current recommendations of the Chester County Parks and Recreation Department, at the discretion of the Township Board of Supervisors, upon recommendation of the Township Planning Commission.
- E. **Incorporation of the Official Map.** The Official Map, including all notations, references, and other data shown thereon, is hereby incorporated by reference into this Ordinance as if it were fully described herein.
  - 1. Certification of the Official Map. The Official Map shall be identified by the signatures of the Board of Supervisors, attested by the Township Secretary, under the following words: “This is

to certify that this is the Official Map of East Fallowfield Township, Chester County, Pennsylvania,” together with the date of enactment of the Ordinance. The Map shall be kept on file with the Township Secretary.

2. The Official Map and Official Map Ordinance have been adopted pursuant to the provisions in Section 402 of Act 247. A copy of the Official Map and Ordinance of East Fallowfield Township, Chester County, Pennsylvania is recorded in the Office of Chester County Recorder of Deeds.
3. Changes in the Official Map. If, in accordance with the provisions of this Ordinance, changes are made to the location of lines designating existing or proposed public lands, trails or trailheads, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans as specified in Section 500.B. below, shall be certified by initialing of the Map by the Chairman of the Board together with the amending ordinance number and date of enactment.

- F. **Relationship with County Official Map.** The adoption of an Official Map by the County shall not affect the Official Map of East Fallowfield Township, except that the County Map shall govern as to County bridges and public grounds, facilities and improvements of the County in accordance with Act 247.
- G. **Relationship with Adjacent Municipalities.** If the Official Map, or amendment thereto, shows any street or trail intended to lead into any adjacent municipality, a certified copy of the Official Map, or amendment thereto, shall be forwarded to such adjacent municipality.

#### **SECTION 400. EFFECTS OF CONTROLS.**

- A. **Time Limitations on Reservations for Future Taking.** The Board may fix the time for which streets, watercourses, trails, trailheads, municipal grounds/facilities or proposed land for preservation on the Official Map (“Public Lands”) shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the Board announcing their 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 Board shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.
1. The adoption of any street, street lines, trails, trailheads or other Public Lands as part of the Official Map shall not, in turn of itself, constitute or be deemed to constitute the opening or establishment of any street, trail, right of way nor the taking or acceptance of any land, nor shall it obligate the municipality to improve or maintain any such street or land.
  2. The adoption of the proposed Public Land or facilities 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 Township.
- B. **Construction Within Any Mapped Proposed Feature(s).** For the purpose of preserving the integrity of the Official Map of East Fallowfield Township, no permit shall be issued for any building within the lines of any trail or public land 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 trail, primary or public land after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the

expense of the owner. See Section 400.C. below.

- C. **Special Encroachment Permit.** When the property of which the reserved location forms a part which cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Board of Supervisors for the grant of a special encroachment permit to so build. Before granting any special encroachment permit authorized in this section, the Board may submit the application for a special encroachment permit to the Township Planning Commission and allow the Planning Commission 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 Board 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 Act 247, in accordance with Section 600 of this Ordinance.
  
- D. **Release of Damage Claims or Compensation.** The Board of Supervisors 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 Board from such claims by others may be required. Any releases or agreements when properly executed by the Board and the owner, and recorded, shall be binding upon any successor in title.

## **SECTION 500. ADOPTION AND AMENDMENT.**

### **A. Procedure.**

1. Prior to the adoption of the Official Map and Ordinance or part thereof, or any amendments to the Official Map and Ordinance, the Board shall refer the proposed Official Map and Ordinance, or part thereto, with an accompanying ordinance describing the proposed map, to the Township and County Planning Commissions for review. The Planning Commissions shall report their recommendations on said proposed Official Map and Ordinance, part thereof, or amendment thereto within forty-five (45) days unless an extension of time shall be agreed to by the Board. If, however, the planning agency fails to act within forty-five (45) days, the Board may proceed without such recommendation.
2. The County and adjacent municipalities may offer comments and recommendations during the said forty-five (45) day review period in accordance with Section 408 of Act 247. Local authorities, park boards, open space committee, environmental boards and similar public bodies may also offer comments and recommendations to the Board or planning agency if requested by same during the forty-five (45) day review period. Before voting on the enactment of the proposed Ordinance and Official Map, or part thereof or amendment thereto, the Board shall hold a public hearing pursuant to public notice.
3. Following adoption of the Official Map and Ordinance, or part or amendment thereto, a copy of same, verified by the Board, shall be submitted to the recorder of Deeds of Chester County and shall be recorded within sixty (60) days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by the municipality enacting the ordinance or amendment and shall be in the amount prescribed by law for the recording of ordinances by the Recorder of Deeds.

**B. Effect of Approved Plans on Official Map.** After adoption of the Official Map and Ordinance, or part thereof, all streets, trails, trailheads, and the elements listed in Section 401 of the Pennsylvania Municipalities Planning Code on final, recorded plats which have been approved as provided by this Ordinance shall be deemed amendments to the Official Map. Notwithstanding any of the other terms of this article, 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 has been approved as provided by Act 247.

**SECTION 600. VIOLATIONS, PENALTIES, AND APPEALS.**

**A. Appeals.** Any appeal from a decision or action of the Board or of any officer or agency of the Township in matters pertaining to this Ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of Act 247.

**DULY ORDAINED and ENACTED** as an Ordinance this \_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF SUPERVISORS  
EAST FALLOWFIELD TOWNSHIP**

\_\_\_\_\_  
Steve Herzog, Chairman

\_\_\_\_\_  
Wilson Lambert, Vice Chairman

\_\_\_\_\_  
Carol Kulp, Member

\_\_\_\_\_  
Joe Heffern, Member

**Attest:**

\_\_\_\_\_  
Katja DiRado, Member

\_\_\_\_\_  
Lisa Valaitis, Township Secretary