

**BOROUGH OF PERKASIE  
ORDINANCE NO. 979**

**ORDINANCE OF THE BOROUGH OF PERKASIE  
AMENDING THE BOROUGH'S SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE TO PROVIDE FOR A PARK AND RECREATION FEE  
IN LIEU OF DEDICATION OF PARK OR RECREATION LAND**

**WHEREAS**, the Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasio ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

**WHEREAS**, after review by required planning agencies and public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Subdivision and Land Development Ordinance to provide for a Park and Recreation Fee in lieu of dedication in accordance with the terms below and as permitted by the Pennsylvania Municipalities Planning Code at 53 P.S. § 10101, *et seq.*;

**WHEREAS**, Borough Council has met and will meet the procedural requirements of 53 P.S. § 10101 *et seq.*, of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including planning agency reviews, advertising, and holding a public hearing; and,

**WHEREAS**, Borough Council, 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 Perkasio Borough will be served by the amendment of the Subdivision and Land Development Ordinance and the adoption of a Park and Recreation Impact Fee.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Perkasio, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** The Subdivision and Land Development Ordinance is hereby amended to provide for a Park and Recreation Impact Fee.

**SECTION 2.** § 164-36 of the Perkasio Borough Subdivision and Land Development Ordinance shall be revised as follows, and the table of contents shall be revised as necessary to reflect the within changes:

§ 164-36 heading is replaced with:

“Park, Recreation, or Other Public Facilities”

§ 164-36.D. is deleted and replaced with:

D. In residential subdivisions or land development applications, suitable open areas shall be dedicated for recreation. Standards to be used by Borough Council in testing the adequacy of space provided shall be as follows:

(1) For each residential dwelling unit, a minimum of 1,500 feet of land shall be dedicated for recreation space;

(2) The land dedicated shall be dedicated to the Borough or to another suitable organization as approved by Borough Council;

(3) The land proposed for dedication shall be easily and safely accessible, have adequate ingress and egress, and have access to an external public road or a road to be dedicated as a public road to which the public has access;

(4) The geometry of the land to be dedicated shall be as close to square as reasonably possible. The area shall not include narrow or irregular pieces of land that would limit the feasibility of using the dedicated land for recreation activities;

(5) Playgrounds for active sports shall be of adequate size to provide sufficient area for proposed uses;

(6) If the tract to be developed or subdivided abuts any existing Borough park or recreation area or conservation easement, the park and recreation land offered for dedication shall be adjacent to the Borough park or recreation area or conservation easement or be connected by public access easement and trail constructed by the applicant;

(7) Recreation areas shall not be traversed by utility easements unless said utilities are placed underground, and no part of them or their supportive equipment protrudes above ground level;

(8) Onsite improvements on the dedicated park and recreation land shall be commensurate with the adjacent onsite development improvements, including but not limited to grading, curbing, utilities, and walking path.

§ 164-36.E. is added as follows:

E. Where the requirements of § 164-36.D. are not met, the Borough may assess a park and recreation fee in lieu of dedication as follows:

(1) \$1,500.00 per dwelling unit payable at the time of building permit, less any credit under subsection (2), for any residential subdivision or land development application.

(2) The applicant may receive a credit of up to \$500.00 per unit for documented expenditures made toward recreation improvements within the subdivision or land development including dedicated recreation areas, playground equipment, or other similar improvements. The credit shall be calculated by dividing the total expenditures made for recreation improvements by the number of units.

SECTION 3. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby. The Borough shall also proceed to amend its comprehensive plan to reflect this particular Ordinance change if necessary.

SECTION 4. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

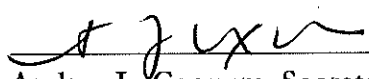
**SECTION 7.** This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

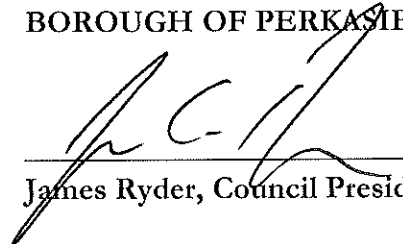
**SECTION 8.** Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101 *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

Approved by the Borough Council of the Borough of Perkasio, this 17th day of November, 2014.

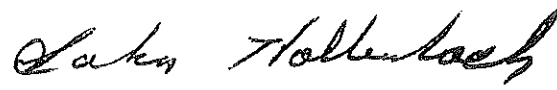
Attest:

BOROUGH OF PERKASIE

  
\_\_\_\_\_  
Andrea L. Coaxum, Secretary

  
\_\_\_\_\_  
James Ryder, Council President

Examined and approved this 17th day of November, 2014.

  
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John Hollenbach, Mayor