

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD,
BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 114
("FLOODPLAINS"), ARTICLE IV ("TECHNICAL PROVISIONS"),
SECTION 26 ("DESIGN AND CONSTRUCTION STANDARDS.")
TO UPDATE SPECIFIC EQUIPMENT REQUIREMENTS**

WHEREAS, with the passage of the Flood Plain Management Act, 32 P.S. §§ 679.101 et seq., the General Assembly required municipalities to adopt floodplain management regulations in order to provide for and encourage local administration and management of floodplains; and

WHEREAS, the Township of Lower Makefield ("Township") is a municipality organized and existing under the Second-Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 65101, et seq.; and

WHEREAS, the Second Class Township Code provides that the corporate powers of the Board of Supervisors of Lower Makefield Township ("Board of Supervisors") include the ability to plan for the development of the Township through zoning, subdivision, and land development regulations under the Municipalities Planning Code ("MPC"), 53 P.S. § 66516; and

WHEREAS, the Second Class Township Code also provides that the Board of Supervisors may adopt ordinances in which general or specific powers of the Township may be exercised, and by the enactment of subsequent ordinances, the Board of Supervisors may amend, repeal, or revise existing ordinances, 53 P.S. § 66601; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to adopt ordinances to manage and maintain the health and welfare of the Township and its citizens, 53 P.S. § 66506; and

WHEREAS, the purposes enumerated in Section 10105 of the MPC include promoting safety, health and morals, accomplishing coordinated development, improving governmental processes and functions, guiding uses of land and structures and promoting the preservation of natural and historic resources and prime agricultural land, and the Board of Supervisors of Lower Makefield Township believes this ordinance will accomplish those goals, 53 P.S. § 10105; and

WHEREAS, the proposed amendments fulfill the Township's Floodplains Ordinance fulfill the Township's obligation to protect the public health, safety, and welfare of Township citizens; and

WHEREAS, it is in the public interest of the residents of the Township for the Township to amend and update the Floodplains Ordinance for clarity; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609, 53 P.S. Section 10609, and all other applicable law; and

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania, as follows:

I. Chapter 114 (“Floodplains”) of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Article IV (“Technical Provisions”), Section 114-26 (“Design and construction standards.”) as follows:

1. **AMEND** Section 114-26.L. to **STRIKE** existing subsection (1) in its entirety and **REPLACE** it so that it reads as follows:

(1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at least one foot above the regulatory flood elevation.

2. **AMEND** Section 114-26.L. to **STRIKE** existing subsection (2) in its entirety and **REPLACE** it so that it now reads as follows:

(2) Ductwork shall be elevated to be at least one foot above the regulatory flood elevation. Floodproofing of ductwork shall not permit a lower installation.

II. Partial Repealer

All other provisions of the Lower Makefield Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township’s Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been

adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this ordinance shall be in full force and effect five (5) days after the approval and adoption.

ENACTED AND ORDAINED this _____ day of _____, 2026.

ATTEST:

**LOWER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS**

David W. Kratzer Jr.,
Township Manager

Name: _____
Vice Chair