

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 8 OF THE TOWNSHIP CODE OF
ORDINANCES (FLOODPLAINS) AND CHAPTER 27 OF
THE TOWNSHIP CODE OF ORDINANCES (ZONING)
RELATING TO DEER FENCING**

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code 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. Section 66601);

WHEREAS, the proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

WHEREAS, the Board of Supervisors finds it to be in the best interests of the Township to the proposed ordinance amendments; and

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

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

I. Chapter 8 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. REPLACE Section 8-301.1.B in its entirety as follows:

B. For areas abutting streams or watercourses where the one-hundred-year floodplain (one-percent annual chance flood) has not been delineated by the Flood Insurance Study as special flood hazard areas (SFHAs), the applicant shall submit a floodplain identification study, except that a floodplain identification study shall not be required for a fence installed for the sole purpose of protecting vegetation from deer pursuant to § 27-2504 in areas abutting streams or watercourses where the one-hundred-year floodplain (one-percent annual chance flood) has not been delineated by the Flood Insurance Study as special flood hazard areas (SFHAs). The

study prepared by a registered professional engineer expert in the preparation of hydrologic and hydraulic studies shall be used to delineate the one-hundred-year floodplain. The floodplain study shall be subject to the review and approval of the Township. All areas inundated by the one-hundred-year flood shall be included in the floodplain area.

B. REPLACE Section 8-302.1.D in its entirety as follows:

- D. For areas adjoining streams, ponds, or lakes not included in the FIS prepared by FEMA, the applicant shall be required to determine the elevation and area of the floodplain with hydrologic and hydraulic engineering techniques, except that the applicant shall not be required to determine the elevation and area of the floodplain with hydrologic and hydraulic engineering techniques for a fence installed for the sole purpose of protecting vegetation from deer pursuant to § 27-2504 in areas adjoining streams, ponds, or lakes not included in the FIS prepared by FEMA as special flood hazard areas (SFHAs). Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. All areas inundated by the one-hundred-year flood shall be included in the floodplain area.

II. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. REPLACE Section 27-2105.1.A(2) in its entirety as follows:

- (2) For areas abutting streams and watercourses where the base flood elevation (one-percent annual chance flood) has not been delineated by the Flood Insurance Study, the applicant shall submit a floodplain identification study, except that a floodplain identification study shall not be required for a fence installed for the sole purpose of protecting vegetation from deer pursuant to § 27-2504 in areas abutting stream or watercourse where the base flood elevation (one-percent annual chance flood) has not been delineated by the Flood Insurance Study as special flood hazard areas (SFHAs). The study, prepared by a registered professional engineer expert in the preparation of hydrologic and hydraulic studies, shall be used to delineate the base flood elevation. The floodplain study shall be subject to the review and approval of the Township. All areas inundated by the base flood shall be included in the Floodplain Area.

B. ADD new Section 27-2208.5.A(4) as follows:

- (4) A fence installed for the sole purpose of protecting vegetation from deer pursuant to § 27-2504.

C. RENUMBER Section 27-2504.3 to new Section 27-2504.4.

D. ADD new Section 27-2504.3 as follows:

3. Deer fences are permitted by right in the Riparian Corridor Conservation District subject to the following conditions:

- a. A zoning permit must be obtained.
- b. Plans must be submitted with the zoning permit application sufficient to evaluate materials, including fence posts, their location and how fence posts will be attached to the ground. The Plans need not be engineered plans, however.
- c. Deer fences within the Riparian Corridor, which may include electrified, hinged or break-away sections, must be designed and constructed such that openings are sufficient to allow water to pass through without trapping debris.
- d. The zoning officer may consult with the Township Engineer to determine the adequacy of the deer fence design.

III. Partial Repealer

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

IV. 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, 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.

V. Effective Date

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

ORDAINED AND ENACTED this ____ day of _____, 2026.

Mark Baum Baicker, Chair

Christy Cheever, Vice-Chair

Kevin Morrissey, Member

John Francis, Member

Rickie Yudin, Member

Attest:

Catherine Cataldi, Township Secretary