



BOROUGH OF TATAMY

NORTHAMPTON COUNTY, PENNSYLVANIA

OFFICE OF THE BOROUGH MANAGER, MARK A. SAGINARIO

423 BROAD STREET PO BOX 218

TATAMY, PA 18085-0218

OFFICE: 610.252.7123 MOBILE: 484.837.5833

MANAGER@TATAMYPA.GOV

24 September 2026

Via Email Only

MEMORANDUM

TO: Mayor, Members of Borough Council, and Appointed Professionals

FROM: Mark A. Saginario, Borough Manager

SUBJECT: Ordinance for future 1- and 2-family dwelling residential development.

The statutory tension here comes down to 35 P.S. § 7210.502(a)(1) of the Pennsylvania Construction Code Act (UCC). Under Section 502(a)(1), a municipality must issue a building permit immediately upon plan approval *and* receipt of "all other required permits or approvals related to the construction." Additionally, the municipality must provide applicants with a list of all required prerequisite permits.

Because the UCC imposes a strict 15-business-day timeline (or 5-business-day timeline for certified design professional plans) for building permits, if an application is submitted before grading plan approval, the 15-day clock begins ticking immediately, exposing the municipality to potential "deemed approval" claims.

To eliminate this vulnerability for future 1- and 2-family residential development, the amendment needs to establish a strict procedural hierarchy: a lot-specific individual grading plan must be reviewed, approved, and recorded/filed prior to the acceptance or filing of any application for a Zoning Permit or Building Permit.

Below is a draft ordinance concept amendment language structured for insertion into Tatamy's SALDO or Municipal Code of Ordinances.

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DRAFT ORDINANCE / AMENDMENT

AN ORDINANCE AMENDMENT TO THE BOROUGH OF TATAMY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) [AND/OR CHAPTER 150 OF THE BOROUGH CODE] ESTABLISHING PREREQUISITE APPROVAL HIERARCHY AND TIMING REQUIREMENTS FOR LOT-SPECIFIC GRADING PLANS PRIOR TO PERMIT APPLICATION ACCEPTANCE FOR ONE- AND TWO-FAMILY DWELLINGS.

SECTION 1. AMENDMENT TO SALDO / CHAPTER 150

The Borough Code is hereby amended to add the following provisions governing the sequence of lot-specific grading plan review, zoning permit application, and building permit application for one-family and two-family dwelling units:

§ _____. Prerequisites for Application Acceptance; Order of Approvals.

1. Mandatory Approval Sequence:

For any proposed construction, addition, or structural alteration of a one-family or two-family dwelling unit, or utility/miscellaneous structure, no application for a Zoning Permit or Uniform Construction Code (UCC) Building Permit shall be accepted for filing, logged, or reviewed by the Borough Code Administrator, Zoning Officer, or designated staff until an Individual Lot Grading Plan for the subject lot has been formally reviewed, approved, and certified by the Borough Engineer in accordance with SALDO requirements.

2. Incomplete Application Status: Any application for a Zoning Permit or UCC Building Permit submitted without a prior, written Borough Engineer approval of the Individual Lot Grading Plan attached thereto shall be deemed procedurally incomplete and shall not be accepted for administrative filing. The calculation of any statutory or municipal review timeframes—including, but not limited to, the 15-business-day or 5-business-day review periods set forth under 35 P.S. § 7210.502(a)(1) and Borough Code § 150.15(E)—shall not commence until a complete application, including the requisite approved grading plan, is officially logged as received by the Borough.

3. Subdivision Recording Prerequisite:

No Individual Lot Grading Plan, Zoning Permit application, or Building Permit application shall be accepted or reviewed for any lot created via subdivision until the final subdivision/land development plan creating said lot has been duly recorded with the Northampton County Recorder of Deeds and the assigned parcel Identification Number (PIN) has been formally established. Any permit application submitted prior to the recording of the underlying subdivision plan shall be deemed premature, void *ab initio*, and returned without review.

4. Integration with UCC List of Prerequisite Permits: In accordance with 35 P.S. § 7210.502(a)(1), approval of the Individual Lot Grading Plan, alongside Zoning Permit approval, is hereby formally designated as a required prior condition and approval necessary before any UCC Building Permit may be issued.

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5. Modifications to Grading Plans: If any modification to an approved Individual Lot Grading Plan occurs after the issuance of a Zoning or Building Permit, all work on the subject site shall immediately cease, and the applicant shall submit a revised grading plan for review. Any changes to the grading plan that alter building footprint, finished floor elevations, stormwater runoff patterns, or foundation design shall necessitate an additional plan review and re-approval prior to resumption of building construction.

SECTION 2. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective five (5) days following adoption as provided by law.

Key Administrative Takeaways for Immediate Workflow:

1. Front-Desk Filing Controls: Train municipal intake staff to immediately bounce/refuse standard UCC applications if the attached grading plan lacks the signed seal/approval from Hanover Engineering. Returning incomplete applications at the counter prevents the 15-day statutory UCC clock from starting in the first place.
2. Written Denials: If an application slips past the counter without approved grading/zoning approvals, issue a formal written denial within 15 business days citing 35 P.S. § 7210.502(a)(2) and Borough Code § 150.15(E) for failure to include required prior approvals.
3. Recorded Lot Requirement: As noted in the correspondence, applications submitted prior to plan recording (e.g., prior to August 28th) could have been rejected because the legal lots did not exist yet; establishing Section 1(3) above closes that loop formally for the future.

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Local PA Municipalities with Prerequisite Permit Hierarchies

Nearby municipalities in Northampton, Bucks, and Allegheny counties enforce this exact sequence in their local municipal codes:

1. Solebury Township (Bucks County)

- **Hierarchy:** Under Solebury's Grading & Stormwater Management Ordinances, a standalone **Grading Permit** must be submitted, reviewed by the township engineer, and formally issued **before** any application for a Zoning or Building Permit is accepted or issued.
- **Mechanism:** Zoning and building permit applications are deemed administratively incomplete unless accompanied by an approved grading/stormwater permit number.

2. Manheim Township (Lancaster County)

- **Hierarchy:** Requires a recorded grading and stormwater management plan prior to building permit review.
- **Mechanism:** The township's land development and stormwater regulations specify that no building permit application will be processed for individual residential lots until the lot-specific grading plan is approved and signed by the township engineer.

3. Hellertown Borough (Northampton County)

- **Hierarchy:** Uses an **Earth Disturbance/Grading Permit** prerequisite for ground disturbance or structural development exceeding minimum thresholds.
- **Mechanism:** The zoning and building inspection departments require proof of grading plan sign-off prior to issuing UCC building permits to ensure proper runoff and foundation compliance before physical construction begins.

4. Easttown Township (Chester County)

- **Hierarchy:** Codifies that zoning permit approvals and land-use compliance (including stormwater/grading) are strict prerequisites to UCC building permit applications.
- **Mechanism:** Their zoning ordinance specifies that no building permit application is considered "complete" or accepted for filing until the prerequisite zoning/site plan certifications are issued.

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Key Legal Takeaway for Pennsylvania Municipalities

Under the Pennsylvania Municipalities Planning Code (MPC) and the Uniform Construction Code (UCC), **municipalities have explicit authority to define what constitutes a "complete application"** before the statutory UCC review clock begins.

Hellertown Borough uses a clear multi-tiered approach in its Code of Ordinances to establish prerequisites before a UCC Building Permit can be issued:

1. Mandatory Prerequisites & Non-Acceptance Rules

- **Code Framework:** Under **Hellertown Borough Code § 450-78A** (Zoning/Site Plan) and Chapter 390 (SALDO/Stormwater), Hellertown explicitly mandates that **no building permit shall be issued** until site plan and grading/stormwater approvals are formally granted.
- **Administrative Completeness:** Hellertown's Zoning and Code Department policy states that applications submitted without required site/grading plans, or missing required site documentation, are considered **procedurally incomplete** and **will not be accepted for review**. This prevents the 15-business-day UCC review clock from starting.

2. The Earth Disturbance / Grading Permit Threshold

- **1,000 Sq. Ft. Trigger:** Hellertown requires an **Earth Disturbance / Grading Permit** whenever an area greater than 1,000 square feet is stripped of vegetation/ground cover, or whenever work involves cutting/filling dirt or modifying overland stormwater flow.
- **Prerequisite Order:** For single-family and two-family infill or lot development, this grading approval must be signed off by the Borough Engineer **prior to** zoning approval and building permit issuance.

How Tatamy Can Benchmark Hellertown's Language

We can incorporate Hellertown's structural logic directly into Tatamy's draft amendment by adding these explicit cross-references:

"In accordance with Borough Code and Commonwealth standards (benchmarked under Hellertown Code § 450-78A and SALDO Chapter 390), site plan and individual lot grading plan approvals are designated as mandatory pre-conditions to Zoning Permit and UCC Building Permit applications. Any building or zoning permit application submitted prior to formal written approval of the Individual Lot Grading Plan by the Borough Engineer shall be deemed incomplete, shall not be accepted for administrative intake, and shall not commence any review clock under 35 P.S. § 7210.502."

REVISED DRAFT ORDINANCE AMENDMENT

AN ORDINANCE AMENDMENT TO THE BOROUGH OF TATAMY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) [AND/OR CHAPTER 150 OF THE BOROUGH CODE] ESTABLISHING PREREQUISITE SITE PLAN AND INDIVIDUAL LOT GRADING APPROVAL REQUIREMENTS PRIOR TO APPLICATION ACCEPTANCE FOR ZONING AND BUILDING PERMITS FOR ONE- AND TWO-FAMILY DWELLINGS.

SECTION 1. AMENDMENT TO SALDO / CHAPTER 150

The Borough Code is hereby amended to establish a strict prerequisite hierarchy governing the order of lot-specific grading plan review, zoning permit application, and Uniform Construction Code (UCC) building permit application:

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§ _____. Prerequisites for Application Acceptance; Order of Approvals.

1. Mandatory Approval Sequence and Prerequisite Hierarchy:

In accordance with municipal authority under Commonwealth standards (benchmarked under regional municipal best practices), no application for a Zoning Permit or Uniform Construction Code (UCC) Building Permit for any proposed construction, addition, or structural alteration of a one-family or two-family dwelling unit or any permit requiring a grading plan, shall be accepted for administrative intake, logged, or reviewed by the Borough Code Administrator, Zoning Officer, or designated staff until an Individual Lot Grading Plan for the subject lot has been formally submitted, reviewed, and approved in writing by the Borough Engineer.

2. Administrative Completeness and Review Clock Commencement: Any application for a Zoning Permit or UCC Building Permit submitted without a prior, written Borough Engineer approval of the Individual Lot Grading Plan attached thereto shall be deemed procedurally incomplete and shall not be accepted for administrative filing. The calculation of any statutory or municipal review timeframes—including, but not limited to, the statutory 15-business-day or 5-business-day review periods set forth under 35 P.S. § 7210.502(a)(1) and Borough Code § 150.15(E)—shall not commence until a complete application package, including the requisite approved grading plan, is officially logged as accepted by the Borough.

3. Subdivision Recording Prerequisite:

No Individual Lot Grading Plan, Zoning Permit application, or Building Permit application shall be accepted or reviewed for any lot created via subdivision until the final subdivision/land development plan creating said lot has been duly recorded with the Northampton County Recorder of Deeds and the assigned parcel Identification Number (PIN) has been formally established. Any permit application submitted prior to the recording of the underlying subdivision plan shall be deemed premature, void *ab initio*, and returned without review.

4. Integration with UCC List of Prerequisite Permits: In accordance with 35 P.S. § 7210.502(a)(1), approval of the Individual Lot Grading Plan, alongside Zoning Permit approval, is hereby formally designated as a required prior condition and prerequisite approval necessary before any UCC Building Permit may be issued.
5. Earth Disturbance Modifications and Plan Revisions: If any modification to an approved Individual Lot Grading Plan occurs after the issuance of a Zoning or Building Permit, or if site work departs from the approved grading profiles, all work on the subject site shall immediately cease. The applicant shall submit a revised grading plan to the Borough Engineer for review. Any changes to the grading plan that alter building footprint, finished floor elevations, stormwater runoff patterns, or foundation design shall necessitate an additional plan review and re-approval prior to the resumption of building construction.

SECTION 2. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

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SECTION 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective five (5) days following adoption as provided by law.

Summary of Key Additions:

- Hellertown Benchmark Clause: Explicitly references the regional standard establishing site plan and grading sign-off as mandatory pre-conditions to zoning/building permit intake.
- Strict Intake Rules: Closes the loop so front-desk staff can reject incomplete submittals at the counter before the statutory 15-business-day UCC clock starts.

Key Statutory Foundations

1. 35 P.S. § 7210.502(a)(1) [Pennsylvania Construction Code Act]: Gives express authority to hold UCC permits until all local "prior approvals" (like zoning and lot grading) are met. It also legally shields the borough's review clock from starting on incomplete filings.
2. 8 Pa.C.S. § 1202 (PA Borough Code): Establishes the municipal general welfare, building regulation, and surface water drainage police powers.
3. 53 P.S. § 10101 et seq. (PA MPC): Authorizes lot grading controls and site design standards connected to subdivision and land development.
4. 32 P.S. § 680.1 et seq. (Act 167): Gives the statutory mandate to regulate earth disturbance and stormwater run-off at the lot level.

Good day and be well,

Mark A. Saginario | Borough Manager