

WAYNE TOWNSHIP

**SUBDIVISION AND LAND DEVELOPMENT
ORDINANCES**

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Wayne Twp. Recreation Plan

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ARTICLE I

TITLE, SHORT TITLE, AND PURPOSE

Section 101 Title

An Ordinance establishing rules, regulations and standards governing the subdivision of land and/or land development within the Township of Wayne, Schuylkill County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code, as amended, and setting forth procedures to be followed by the Municipal Planning Commission and the Governing Body in applying, administering, and amending these rules, regulations, and standards and prescribing penalties for the violation thereof.

Section 102 Short Title

This Ordinance shall be known, and may be cited as, "The Wayne Township Subdivision and Land Development Ordinance of 1972", as amended.

Section 103 Purpose

This Ordinance is adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- 103.1 Assuring sites suitable for building purposes and human habitation.
- 103.2 Providing for the harmonious, orderly and efficient development of the Municipality.
- 103.3 Providing for the coordination of existing streets and highways with proposed streets, parks, and other public facilities or services.
- 103.4 To provide for adequate open spaces for traffic, recreation, light and air.
- 103.5 Assuring equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance of both the subdivider/land developer and Municipal officials.
- 103.6 Providing design standards and appropriate improvement requirements and assuring prompt installation of improvements.

ARTICLE 11

DEFINITIONS

Section 201 Tense, Gender, and Number

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense, words used in the masculine gender include the feminine and neuter.

Section 202 General Terms

The words "person", "subdivider", "land developer", and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, spring and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Section 203 Terms or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Section 204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Alley: See "Service Street".

Architect: A licensed architect in the Commonwealth of Pennsylvania.

Block: A tract of land, a lot, or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, boundary lines of the Municipality, unsubdivided land or by any combinations thereof.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Reserve (Setback) Line: The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Cartway (Roadway): The portion of a street right-of-way paved or unpaved intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

Common Open Space: A parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a development but not including streets, off-street parking areas or areas set aside for public facilities.

County: The County of Schuylkill, Commonwealth of Pennsylvania.

County Planning Commission: The Schuylkill County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to make a subdivision of land or a land development.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signature of the appropriate authority on the Record Plan.

Engineer: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

Governing Body: The Township Supervisors of Wayne Township, Schuylkill County, Pennsylvania.

Improvements: Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

Land Development: (1) The improvements of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of

land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leases, condominiums, building groups or other features; (2) A subdivision of land.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscape Architect: A licensed landscape architect in the Commonwealth of Pennsylvania.

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term. Contiguous parcels of land, tracts, or lots held under single ownership shall be considered as a single lot, tract, or parcel of land for the purposes of this Ordinance.

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Marker: A metal pipe or pin of at least 1/2" in diameter and at least 24" in length.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

Monument: A stone or concrete monument with a flat top at least 4 inch in diameter or square and at least 36" in length. Stone monument shall contain an indented cross or 1/4" drill hole. Concrete monuments shall contain a copper or brass dowel (plug). It is recommended that the bottom sides or radius be at least 2" greater than the top, to minimize movement caused by frost.

Municipality: Wayne Township, Schuylkill County, Pennsylvania.

Municipal Authority: An Authority created by the Governing Body responsible for, but not limited to the construction, operation, and/or maintenance of water storage and distribution, and/or sewage collection and treatment facilities.

Municipal Engineer: A duly registered professional engineer employed by the Municipality or engaged as a consultant thereto or his duly authorized representative.

Municipal Solicitor: The attorney appointed by the Governing Body or his duly authorized representative.

Municipal Zoning Officer: The agent or official designated by the Municipality to administer and enforce the Municipal Zoning Ordinance.

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Municipality pursuant to statute, for the area in which the subdivision or land development is located.

Plan, Sketch: A tentative plan, indicating salient existing features of the tract and showing approximate street and lot layout as a basis for consideration, prior to preparation of a Preliminary Plan.

Plan, Preliminary: A tentative subdivision or land development plan (including all required supplementary data), prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

Plan, Final: A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed street and other improvements. The Final Plan shall be prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

Plan, Record: A copy of the Final Plan which contains the original endorsements of the Municipality(ies) and which is intended to be recorded with the County Recorder of Deeds. The Record Plan shall be a blue-line or black-line print, a maximum size of twenty-four (24) inches by thirty-six (36) inches, submitted in duplicate to the Recorder of Deeds.

Planning Commission or Municipal Planning Commission: The Planning Commission of Wayne Township, Schuylkill County, Pennsylvania.

Plat: A map or plan of a subdivision, whether preliminary or final.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

Reserve Strip: A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article III, Section 311, of this Ordinance. Other plattings shall be considered as constituting a new subdivision of land. See "Subdivision."

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets (excluding service streets), with vehicular access solely from one street.

Review: Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the Municipality in their ultimate and final decisions.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway."

Sanitary Sewage Disposal System, On-Site: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal System, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Septic Tank: A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, and gaseous states to facilitate further treatment and final disposal.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Street: A strip of land, including the entire right-of-way (i.e. not limited to the cartway) intended to provide access to more than one (1)

lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform.

Minor Street: A street used primarily to provide access to abutting properties.

Cul-de-Sac Street: A minor street intersecting another street at one end and terminating at the other end in a permanent vehicular turn-around.

Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Marginal Access Street: A minor street, parallel and adjacent to a major street (but separate from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial, multi-family, and commercial developments shall generally be considered collector streets.)

Major Street: A street serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Internal Street: A minor street used for circulation and access within a development involving multi-residence or commercial or industrial uses.

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: See "Developer".

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or land development; provided, however, that the divisions of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted. The term subdivision shall refer, as appropriated in

this Ordinance, to the process of subdividing land or to the land proposed to be subdivided.

Surveyor: A licensed surveyor in the Commonwealth of Pennsylvania.

Tile Disposal Field: A system of open jointed or perforated pipes laid on the upper strata of the soil to distribute sewage effluent into the soil for absorption and evaporation.

Water Distribution System, On-Site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single developemnt.

Water Distribution System, Public: A system for supplying and distributing water from a common source to dwellings and other buildings, owned and/or operated by a Private Water Company, a Municipality or a Municipal Authority.

Zoning Map: The official zoning map of Wayne Township, Schuylkill County, Pennsylvania.

Zoning Ordinance: The Wayne Township Zoning Ordinance.

ARTICLE III

SUBMISSION AND REVIEW PROCEDURES

Section 301 General

Hereafter all plans for the subdivision or development of land within the corporate limits of the Municipality shall be reviewed by the Municipal Planning Commission and other Municipal, State or County officials as deemed necessary and shall be approved or disapproved by the Governing Body in accordance with procedures specified in this Ordinance. The provisions and requirements of this Ordinance shall apply to and control all subdivisions and land developments which have not been recorded in the Office of the Recorder of Deeds in and for Schuylkill County, Commonwealth of Pennsylvania, prior to the effective date of this Ordinance provided, however, that any change in a recorded plan, except as noted in Article III, Section 311, shall constitute a resubdivision and shall make said plan subject to any and all requirements of this Ordinance. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

Section 302 Submission of Sketch Plan

- 302.1 Plan to be Filed with the Municipality - Copies of the Sketch Plan for all proposed subdivisions or land developments and all required supporting data shall be submitted to the Municipal Secretary (or representative) by the subdivider/land developer or his representative authorized in writing to submit the plan.
- 302.2 Number of Copies - Four (4) legible black-line or blue-line paper prints of the Sketch Plan shall be required. Plans shall fully comply with requirements of Article IV, Section 401 of this Ordinance.
- 302.3 Distribution of Sketch Plan - The Municipal Secretary (or his representative) shall refer the Sketch Plans to the following:
- a. One (1) copy to the County Planning Commission.
 - b. One (1) copy to the Municipal Planning Commission.
 - c. One (1) copy to the Governing Body.
 - d. One (1) copy to the Municipal Engineer.

Section 303 Review of Sketch Plan

- 303.1 A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/land developer and the Municipality. Submission of a Sketch Plan shall not constitute official submission of a plan to the Municipality.

303.1

Review by the Municipal Planning Commission

- a. After a Sketch Plan has been submitted, such plan shall be reviewed by the Municipal Planning Commission at the next scheduled meeting, provided that such submission has occurred no less than fourteen (14) calendar days prior to the scheduled meeting.
- b. No action shall be taken by the Municipal Planning Commission with respect to a Sketch Plan until the Municipal Planning Commission has received the written report of the County Planning Commission, provided, however, that if the County Planning Commission shall fail to report thereon within forty-five (45) days from the date the Sketch Plan was forwarded, then the Municipal Planning Commission may act without having received and considered such report.
- c. Within seven (7) calendar days after the meeting at which the Sketch Plan is approved or disapproved by the Municipal Planning Commission, the Planning Commission's Secretary shall send written notice of the Commission's action, including changes or modifications, if any, required or recommended that it deems necessary or advisable, to the following:
 1. The Governing Body.
 2. The Subdivider/Land Developer or his Agent.

Section 304

Official Submission of Preliminary Plan

304.1

Plan to be filed with Municipality - Copies of the Preliminary Plan and all required supporting data shall be officially submitted to the Municipal Secretary (or representative) by the subdivider/land developer or his representative authorized in writing to submit the plan.

304.2

Official Submission of Preliminary Plan shall comprise:

- a. Three (3) completed copies of the Application for Review of Preliminary Subdivision/Land Development Plan.
- b. Six (6) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article IV, Section 402 of this Ordinance. Seven (7) copies are required if a State road abuts or traverses the subdivision or land development.
- c. Three (3) completed copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required.

- d. Three (3) copies of all other required information including the proposed erosion and sediment plan.

304.3 Filing Fee - The Municipal Secretary (or representative) shall collect a filing fee as established by the Governing Body for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivision or land development plans. The subdivider or land developer shall pay the fee at the time of application for approval of a Preliminary Plan.

304.4 Distribution of Preliminary Plan - The Municipal Secretary (or his representative) shall refer the Preliminary Plan, after all required fees have been collected, to the following:

- a. One (1) copy to the Municipal Planning Commission, including one (1) copy of the application form and other required reports.
- b. One (1) copy of the plan to the County Planning Commission and one (1) copy of all required supporting documents.
- c. Two (2) copies to the Governing Body including one (1) copy of the application form and other required reports.
- d. One (1) copy to the Municipal Engineer.
- e. One (1) copy to the Municipal Zoning Officer.

Section 305

Review of Preliminary Plan

305.1

Review by the Municipal Engineer

The Municipal Engineer shall review the Preliminary Plan to determine its conformance to the Municipal Subdivision and Land Development Ordinance. The Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Municipal Planning Commission.

305.2 Review by the Municipal Zoning Officer

The Municipal Zoning Officer shall review the Preliminary Plan to determine its conformance to the Municipal Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article IV, Section 402, to determine if information shown is in accordance with the latest amendments to the Zoning Ordinance. The report from the Zoning Officer as to the accuracy of the information shown shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Municipal Planning Commission.

305.3 Review by the Pennsylvania Department of Transportation

If a proposed subdivision or land development abuts or is traversed by a State road, the Municipal Secretary shall transmit one (1) copy to the district office of the Pennsylvania Department of Transportation (PennDOT) for its review and comments.

305.4 Review by the Municipal Planning Commission

- a. When a Preliminary Plan has been officially submitted, such plan shall be reviewed by the Municipal Planning Commission at its next regularly scheduled meeting, or at the discretion of the Municipal Planning Commission, at a special meeting which may be held prior thereto.
- b. No official action shall be taken by the Municipal Planning Commission with respect to a Preliminary Plan until the Municipality has received the written report of the County Planning Commission and the Pennsylvania Department of Transportation, if applicable, provided, however, that if these reports are not received within forty-five (45) days after transmittal to these agencies then the Municipal Planning Commission may officially act without having received and considered such report.
- c. During review of the Preliminary Plan, the Municipal Planning Commission shall consider the written reports of the Municipal Engineer, the Municipal Zoning Officer, PennDOT, and the County Planning Commission before making its final decision.
- d. If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this Ordinance have not been met, or the Municipal Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore shall be given in written form by the Secretary of the Municipal Planning Commission within

fifteen (15) days after the meeting at which the Preliminary Plan is reviewed to the following:

1. The Governing Body.
 2. The County Planning Commission.
 3. The Subdivider/Land Developer or his Agent.
- e. The Municipal Planning Commission shall forward to the Governing Body copies of all reports received from County Planning Commission, PennDOT, Municipal Zoning Officer and Municipal Engineer.

305.5 Review by the Governing Body

- a. When a Preliminary Plan has been officially referred to the Governing Body by the Municipal Planning Commission together with its recommendation, such Plan shall be reviewed at the next regularly scheduled meeting or at the discretion of the Governing Body at a special meeting, which may be held prior thereto.
- b. The Governing Body shall review the Preliminary Plan and the written reports and recommendations thereon of the Municipal Planning Commission, the County Planning Commission, (if same has been received), the Municipal Zoning Officer and the Municipal Engineer, and by any other officials and official boards of the Municipality, to determine the Preliminary Plan conformance to the standards contained in this Ordinance. The Governing Body may required or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.
- c. The action of the Governing Body either approving or disapproving the Preliminary Plan, including the findings and reasons upon which the action is based and citing provisions of the statute or ordinance relied upon shall be stated in the minutes of the meeting. Within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed and an approval or a rejection decision is rendered, the Secretary of the Municipality shall send written notice of the findings, action taken, and reasons thereof to the following:
 1. The County Planning Commission.
 2. The Subdivider/Land Developer or his Agent.
 3. The Municipal Planning Commission.

One copy of the Preliminary Plan, the application and other supporting documentation shall be maintained for the permanent records of the Municipality.

- c. The Governing Body shall render its decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Municipal Planning Commission next following the date the application was filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30) day following the day the application has been filed. Failure of the Governing Body to render a decision and communicate it to the applicant within the time and in the manner required shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.
- e. Approval of Preliminary Plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of the plan to be used in preparing the Final subdivision or land development plan for final approval and recording upon fulfillment of all requirements of this Ordinance.
- f. When a Preliminary Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision/land development or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

Section 306

Submission of Final Plan

Within one (1) year of the Governing Body's approval of the Preliminary Plan, a Final Plan shall be officially submitted to the Municipality. However, an extension of time may be granted by the Governing Body upon written request. Final Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Preliminary Plan by the Governing Body.

The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed by the Municipal Planning Commission and the Governing Body and shall incorporate all modifications required by the Municipality in its review of the Preliminary Plan.

The Municipality may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision or land development as shown on the reviewed Preliminary Plan.

306.1 Plans to be filed with the Municipality - Copies of the Final Plan and all required supporting data shall be officially submitted to the Municipal Secretary (or representative) by the subdivider/land developer or his representative authorized in writing to submit the plan.

306.2 Official submission of Final Plan shall comprise:

- a. Three (3) completed copies of the Application for Review of Final Subdivision Plan/Land Development.
- b. Seven (7) legible black-line or blue-line paper prints and two (2) copies of the Record Plan which shall fully comply with Article IV, Section 403 of this Ordinance.
- c. Two (2) copies of all other required information including the following, if applicable:
 1. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Municipal Solicitor as to their legal sufficiency.
 2. Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided or developed.
 3. Whenever a subdivider or land development proposes to establish a street which is not offered for dedication to public use, the Municipal Planning Commission or Governing Body may require the subdivider or land developer to submit, and also to record with the plan, a copy of an agreement made with the Municipality on behalf of his heirs, successors and assigns and approved by the Municipal Solicitor which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
 - (a) The street shall conform to Municipal specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Municipal Engineer, to restore the street to conformance with the Municipal specifications.
 - (b) An offer to dedicate the street shall be made only for the street as a whole.

- (c) Agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
4. Whenever approval by the Pennsylvania Department of Environmental Resources is required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision/land development, the Municipal Planning Commission shall require that two (2) copies of such certification of approval be submitted with the Final Plan.
 5. Three (3) copies of the approved erosion and sediment control plan or permit shall accompany the Final Plan submission.
 6. Any proposed driveway or intersection of a new street with a state legislative route must receive an "Occupancy Permit" from the Pennsylvania Department of Transportation. A letter from Penn DOT indicating approval of the driveway or intersection must accompany Final Plan submission.
 7. Whenever a revision to the Municipality's official sewage facilities plan is required under Title 25, Chapter 71 Rules and Regulations, Department of Environmental Resources (PennDER), a copy of the Municipal resolution amending the official plan and a copy of PennDER's letter approving the plan revision shall accompany the Final Plan.
 8. Whenever approval is required from PennDER, Division of Dams and Encroachments, a copy of such approval shall also be submitted with the Final Plan.
 9. Whenever approval is required for water supply or sanitary sewage disposal from a Municipal Authority or Private Water Company, two (2) copies of such approvals shall be submitted with the Final Plan.
 10. Letters from utility companies, electric, gas, telephone, cable T.V., indicating that they have received the Final Plans shall be required to be submitted with the Final Plans.

306.3 Filing Fees - The subdivider or land developer shall pay any additional fees, if required. There shall be no refund or credit of any portion of the fee should the subdivider or land developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary Approval has been obtained.

306.4 Distribution of Final Plan - The Final Plan shall be distributed in accordance with the requirements of Article III, Section 304.4 for Preliminary Plan. In addition, the Secretary shall forward the Record Plans and one additional copy of the Final Plan to the Municipal Planning Commission.

Section 307 Review of Final Plan

307.1 Review by the Municipal Engineer

The Final Plan shall be reviewed and a written report submitted as required under Article III, Section 305.1 for Preliminary Plans. In addition, the Engineer's report shall include an estimate of the cost of construction of all improvements as required by this Ordinance.

307.2 Review by the Municipal Zoning Officer

The Final Plan shall be reviewed and a written report submitted by the Municipal Zoning Officer as required under Article III, Section 305.2 for Preliminary Plans.

307.3 Review by the Municipal Planning Commission

The Final Plan shall be reviewed, in accordance with the procedure required under Article III, Section 305.4 of this Ordinance for Preliminary Plans. In addition:

- a. Before acting on any subdivision or land development plat, the Municipal Planning Commission may hold a public hearing thereon after public notice.
- b. If all the requirements of this Ordinance are met and the review is favorable, the Municipal Planning Commission shall endorse the Final Plan and the Record Plans together with the date of such action.
- c. The Final Plan and the Record Plans, with Municipal Planning Commission's endorsement, shall be forwarded to the Governing Body.

307.4 Review by the Governing Body

The Final Plan shall be reviewed in accordance with the procedures as required under Article III, Section 305.5 of this Ordinance for Preliminary Plan. In addition:

- a. Before acting on any subdivision or land development, the Governing Body may hold a public hearing thereon after public notice.
- b. If the Governing Body approves the Final Plan, the Final Plan and the Record Plans shall be signed by the Governing Body together with the date of such action.
- c. A performance guarantee or a certificate of satisfactory installation, as required under Article III, Section 309, shall be required before plans are released for recording.
- d. One copy of the Final Plan, as approved, the application and other supporting documentation shall be maintained for the permanent records of the Municipality.

Section 308 Recording of Final Plan

- 308.1 After approval by Governing Body and the Municipal Planning Commission, and with all endorsements indicated on the Record Plans, the subdivider or land developer shall record his plan. No subdivision or land development plan may be legally recorded unless it bears Municipal approvals and the Municipal seal.
- 308.2 After the Final Plan has been approved by the appropriate Municipal authorities, the County Planning Commission shall receive, as approved, one (1) blue-line print.
- 308.3 The subdivider or land developer shall file the Record Plans with the County Recorder of Deeds within ninety (90) days of the date of final approval by the Governing Body. The Recorder's Certificate that the approved plan has been recorded with Deed Book and Page Numbers indicated shall be submitted to the Municipality. If the subdivider or land developer fails to record within such time period, the action of the Governing Body and Municipal Planning Commission shall be null and void unless an extension of time is granted in writing by the Governing Body after written request to do so by the subdivider/land developer.

Section 309 Performance Guarantee

Prior to final approval of the Final Plan, the subdivider/land developer shall guarantee the installation of all required improvements by one of the following methods:

309.1 By installing the improvements required by Article VI of this Subdivision and Land Development Ordinance to the satisfaction of the Municipal Engineer and the Governing Body and obtaining a certificate from the Municipal Engineer that all improvements have been installed in accordance with the standards and requirements contained in this Ordinance or other requirements of the Municipality.

309.2 In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivider/land developer may deposit with the Municipality financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the subdivision plat for completion of such improvements.

The amount of financial security shall be equal to one hundred ten (110) percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Governing Body of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Municipality's Engineer. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.

In the case where development is projected over a period of years, the Governing Body may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request the Governing Body to release or authorize the release from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Governing Body, and the Governing Body shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Governing Body fails to act within forty-five (45) day period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body may, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvement, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon

the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets provided access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat the Governing Body may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Municipal purpose.

Section 310

Release of Performance Guarantee

When the subdivider or land developer has completed all of the necessary and appropriate improvements, the subdivider or land developer shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer. The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the Governing Body, and shall promptly mail a copy of the same to the subdivider/land developer by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the Governing Body. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Governing Body shall notify the subdivider/land developer in writing by certified or registered mail of their action.

If the Governing Body or the Municipal Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the subdivider/land developer shall be released from all liability, pursuant to his performance guaranty bond or other security agreement.

If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the subdivider/land developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Section 311 Resubdivision Procedure

Any revision, replatting or resubdivision of land which includes changes to a recorded plan shall be considered a new subdivision or land development and shall comply with all regulations of this Ordinance, except that:

- 311.1 Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:
- a. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Municipal Zoning Ordinance.
 - b. Easements or rights-of-way reserved for drainage shall not be changed.
 - c. Street locations and block sizes shall not be changed.
 - d. No lot shall be created which does not abut an existing or a proposed street.

311.2 In every case wherein lot lines are changed as permitted by the above, the subdivider or land developer shall prepare a new Record Plan and shall submit the Record Plan to the Municipality for the endorsements of the Municipal Planning Commission and Governing Body (the new Record Plan shall specifically identify the previous Record Plan superseded and shall also contain the record reference if the previous Record Plan has been recorded). The subdivider or land developer shall then record the new plan in accordance with Article III, Section 308, of this Ordinance.

Section 312 Dedication and Maintenance Guarantee

All streets, parks or other improvements shown on the subdivision or land development plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Municipality and accepted, by resolution, by the Governing Body.

Before acceptance for dedication of all or some of the required improvements following completion, the Governing Body shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in

accordance with the design and specifications as depicted on the final plat for eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be fifteen (15) percent of the actual cost of installation of said improvements.

Section 313

Plans Exempted from Standard Procedures

313.1 In the case of a proposed subdivision or land development where the intent of the subdivider or land developer so expressed in writing will create two (2) and only two (2) parcels, lots, or tracts of land of the original tract, and fronting on an existing improved State or municipal road or street, the Municipal Planning Commission may allow the subdivider or land developer to prepare a Final Plan for recording, showing the subdivision or land development accompanied by the required data set forth in Section 403 and the submission of the results of soil percolation tests as described in this Ordinance. Further subdivisions or land development from a tract recorded under this Section will require a review of plans in accordance with the full provisions of this Ordinance.

313.2 In the case of any proposed subdivision which does not involve the provisions of any new street or right-of-way for access and the tract of land cannot be developed beyond the depth of one lot (i.e., one in which all proposed lots will have frontage on an existing public street or road), the Municipal Planning Commission may allow the subdivider to:

- a. Prepare a Sketch Plan of the proposed subdivision in accordance with Section 401 of this Ordinance.
- b. If lots in the proposed subdivision will utilize on-site sanitary sewage disposal systems, the subdivider shall perform soil percolation test in accord with Section 506 of this Ordinance and shall indicate the location of such test holes and probes on the Sketch Plan.
- c. The subdivider shall submit six (6) copies of the Sketch Plan and three (3) copies of the soil percolation test data plus three (3) copies of any required additional data. The distribution and review shall be the same as for Preliminary Plans.
- d. Following approval from the Municipal Planning Commission and the Governing Body, the subdivider shall then prepare a Final Plan in accordance with Section 403 of this Ordinance.
- e. Final Plan distribution, review and recording shall be in accordance with Section 306, 307 and 308 of this Ordinance.

ARTICLE IV

PLAN REQUIREMENTS

Section 401

Sketch Plan

- 401.1 The Sketch Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:
- a. If the average size of the proposed lots in a subdivision or land development is five (5) acres or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
 - b. If the subdivision or land development proposes lots with an average frontage of less than fifty (50) feet, the plan may be drawn to a scale of one (1) inch equals twenty (20) feet.
- 401.2 Sketch Plan and all submitted prints thereof shall be made on sheets either:
- a. Eighteen (18) inches by twenty-four (24) inches, or
 - b. Twenty-four (24) inches by thirty-six (36) inches, or
 - c. Thirty-six (36) inches by forty-eight (48) inches.
- 401.3 If the Sketch Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- 401.4 The Sketch Plan shall contain at least the following information but not necessarily showing precise dimensions:
- a. Tract boundaries accurately labeled.
 - b. Name of the municipality in which the subdivision or land development is located.
 - c. North point, scale (written and graphic) and date.
 - d. Name of proposed subdivision or land development or other identifying title.
 - e. Significant topographical and physical features.
 - f. Proposed general street, lot layout or building locations.

- g. A Location Map with sufficient information to enable the location of the property.

Section 402

Preliminary Plan

402.1

The Preliminary Plan shall include all information as required for Sketch Plan under Article IV, Section 401, in this Ordinance and shall be drawn to the same scales and presented on the same sheet sizes as required for the Sketch Plan. In addition, the following information shall be shown:

- a. Date, including the month, day, and year that the Preliminary Plan was completed and the month, day, and year that the Preliminary Plan was revised, for each revision.
- b. Name of recorded owner and subdivider or land developer.
- c. Name, address, license number, and seal of the registered engineer, architect, landscape architect or surveyor responsible for the subdivision/land development plan.
- d. Names of all owners of all abutting land, with the book and page number where recorded.
- e. A key map for the purpose of locating the property being subdivided/developed drawn at a scale not less than one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, and water courses.
- f. Total tract boundaries of the property being subdivided/developed showing bearings and distances and a statement of total acreage of the property.
- g. Zoning data including all of the following if applicable:
 - 1. Existing Municipal zoning regulations, including district designations, requirements for lot sizes and yards, and any zoning district boundary lines traversing the proposed subdivision or land development.
 - 2. Any changes in the existing zoning to be requested by the subdivider or land developer.
 - 3. Any Municipal regulations other than zoning governing lot size and/or yard requirements.

- h. Contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent.
- i. Locations and elevation of the data to which contour elevations refer shall be the closest USGS established bench mark, or an established bench mark approved by the Municipal Engineer.
- j. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, flood plain areas (based on a 100 year storm frequency, unless otherwise specified by the Municipal Zoning Ordinance), and other significant man-made or natural features within the proposed subdivision or land development.
- k. All existing buildings or other structures and the approximate location of all existing tree masses, and rock out-crops within the proposed subdivision/land development or other significant features.
- l. All existing streets on the Official Plan or Plans of the Municipality (including unpaved streets), including streets of record (recorded but not constructed), easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision/land development.
- m. The full plan of proposed subdivision or land development, including:
 - 1. Location and width of all proposed streets, easements, and rights-of-way, with a statement of any conditions governing their use, and suggested types (i.e., collector, major, minor, etc.).
 - 2. Suggested street names and utility easement locations.
 - 3. Building reserve (setback) lines along each street.
 - 4. Lot lines with approximate dimensions.
 - 5. Lot numbers and statement of number of lots and parcels.
 - 6. A statement of the intended use of all non-residential lots and parcels.

7. Water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material indicated, and any proposed connections with existing facilities.
 8. Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.
 9. Approximate location of sewage treatment plant, if applicable.
- n. Location of all required soil probes for each individual lot within a subdivision or land development.
- o. Whenever required under Title 25, Chapter 102 Rules and Regulations, Pennsylvania Department of Environmental Resources, three (3) copies of the proposed erosion and sediment plan shall be submitted.

402.2

The Preliminary Plan shall be accompanied by the following supplementary data as applicable:

- a. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on separate profile sheets.

Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

1. One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical.
 2. One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical.
 3. One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical.
 4. One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
- b. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.

- c. Where deemed necessary by the Municipal Planning Commission or the Governing Body, a plan for the surface drainage of the tract shall be shown. Such plan shall include storm water run-off calculations for the entire property being subdivided/developed as well as anticipated run-off from areas at a higher elevation in the same watershed and shall show the proposed method, subject to Municipal approval, of accommodating the anticipated run-off.
- d. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Water and Power Resources Board, Division of Dams & Encroachments or the Pennsylvania Department of Transportation. Calculations for water-way opening shall be included. All designs shall be subject to approval by the Municipality.
- e. Where a Preliminary Plan shows the proposed subdivision/development of only a part of the total property, a sketch plan may be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Municipal Planning Commission may, based on existing natural or man-made features, limit the area for which a prospective street system shall be sketched.

Section 403

Final Plan

403.1

The Final Plan shall be of the same size, drawn to the same scale, and show all information as required for Preliminary Plans under Article IV, Section 402 in this Ordinance. In addition the Final Plan shall show the following:

- a. Name of the recorded owner (and subdivider/developer) of the tract, and the source(s) of title to the land being subdivided or developed as shown by the records of the County Recorder of Deeds.
- b. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider/land developer (for example, between separately submitted Final Plan sections) and not required to be

based upon field survey, may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided/developed. In addition, the engineer or surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of required monuments.

- c. The name (or number) right-of-way and cartway width of all existing public streets and the name and location of all other roads within the property.
- d. The following data shall be shown for the cartway edges and right-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded (except those to be vacated), and/or proposed streets within or abutting the property to be subdivided or developed: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and of the radii and of the arc (or chord) of all curved lines. The length of all arcs (in feet, to the nearest hundredth of a foot) and the central angle in degrees, minutes and seconds.
- e. All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds) or by magnetic bearings (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds) and the radius (in feet to the nearest hundredth of a foot).
- f. A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision/land development and, if covenants are recorded, including the book and page number.
- g. The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- h. The location (and elevation, if established) of all existing and proposed required street monuments.
- i. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the

appropriate public utilities.

- j. Plan for water supply and distribution; locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- k. If the subdivision or land development abuts a State Legislative Route, a letter from the Pennsylvania Department of Transportation approving the proposed plan shall be submitted with the Final Plan.
- l. A clear sight triangle shall be clearly shown for all street intersections.
- m. A Certification of Ownership, Acknowledgement of Plan and Offer of Dedication shall be lettered on the plan, using the form in the Appendix, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.
- n. A certificate for approval of the Plan by the Governing Body and by the Municipal Planning Commission shall be lettered on the plan, using the form in the Appendix.
- o. A blank space measuring three and one-half (3-1/2) inches square shall be left, preferably adjacent to the Municipal certification, in which the endorsement stamp of the County Planning Commission may be applied, if required.
- p. A blank space measuring three (3) inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented for recording.

403.2 Whenever required under Title 25, Chapter 102, Rules and Regulations, PennDER, or County Conservation District, two (2) copies of the approved erosion and sediment plan shall accompany Final Plan submission. Permits, when required, shall be submitted with the Final Plan.

403.3 The Final Plan shall be accompanied by such applicable supplementary data as is required in Article IV, Section 402.2 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

- a. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds five (5) percent, along both cartway edges.
- b. Proposed finished grade of the centerline, and proposed finished grades at the top of both curbs, or proposed finished grade at both cartway pavement edges.

- c. The length of all vertical curves.
- d. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

ARTICLE V

DESIGN STANDARDS

Section 501 Application and General Standards

- 501.1 The standards and requirements contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such by the Municipal Planning Commission and Governing Body in reviewing all subdivision and land development plans.
- 501.2 Whenever other Municipal ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of this Ordinance shall apply.
- 501.3 The standards and requirements of this Ordinance may be modified by the Governing Body where such modifications achieve substantially the objectives of the Ordinance.
- 501.4 Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided or developed for building purposes unless such hazards have been eliminated or unless the subdivision/land development plan shall show adequate safeguards against them, and which shall be approved by the appropriate regulatory agencies.
- 501.5 Subdivision and land development plans shall give due recognition to the "Official Plans" of the Municipality and of the County or to such parts thereof as may have been adopted pursuant to statute.
- 501.6 Land proposed for subdivision or development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided as per criteria contained in Title 25, Chapter 102, Rules and Regulations, PenNDER and Section 510 of this Ordinance.

Section 502 Streets

502.1 General Standards

- a. The location and width of all streets shall conform to the "Official Plans" or to such parts thereof as may have been adopted by the Municipal Planning Commission and/or the Governing Body.

- b. The proposed street system shall extend existing or proposed streets shown on the "Official Plans" at the same or greater width but in no case at less than the required minimum width in Section 502.3.
- c. Where, in the opinion of the Municipal Planning Commission or the Governing Body, it is desirable to provide for street access to adjoining property, street stubs shall be extended, by dedication, to the boundary of such property.
- d. New minor streets shall be so designed as to discourage through traffic, but the subdivider/land developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- e. Where a subdivision/land development abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission or the Governing Body may require the dedication of land sufficient to widen the street or correct the alignment.
- f. Private streets (streets not to be offered for dedication) are prohibited unless they are improved to a mud-free or otherwise permanently passable condition.

502.2 Partial and Half Streets

New half or partial streets shall be prohibited except where essential to reasonable subdivision or land development of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained. The subdivider or land developer shall be required to provide the entire required cartway width within his property.

502.3 Street Widths

Minimum street right-of-way and pavement widths shall be as shown on the "Official Plans" or if not shown on such plans, shall be as follows:

<u>Street Type</u>	<u>Required Widths (in feet)</u>
Minor Street	
Right-of-way	53
Cartway	33
Collector Street	
Right-of-way	60
Cartway	40
Major Street	
Right-of-way	See Note(a)
Cartway	See Note(a)
Permanent Cul-de-Sac Street	
Right-of-way	53(b)
Cartway	33(b)
Marginal Access Street	
Right-of-way	33
Cartway	26
Service Street	
Right-of-way	33
Cartway	24

- Notes:
- (a) As specified in the "Official Plans", or as determined after consulting with the Municipality, the County Planning Commission and the Pennsylvania Department of Transportation.
 - (b) See Paragraph 502.10

Additional right-of-way and pavement widths may be required by the Municipal Planning Commission or Governing Body for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high density residential development.

502.4 Restriction of Access

- a. Whenever a subdivision/land development abuts or contains an existing or proposed street with an ultimate right-of-way of eighty (80) feet or more or contains or abuts an existing or proposed collectors street, the Municipal Planning Commission or the Governing Body may require restriction of access to said street by:

1. Provision of reverse frontage lots.
 2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.
 3. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Municipality under an agreement meeting the approval of the Municipality.
- b. Except as specified under Paragraph 3 above, reserve strips shall be prohibited.

502.5 Street Grades

- a. There shall be a minimum centerline grade of three-quarters (3/4) percent.
- b. Centerline grades shall not exceed the following:
 1. Minor Street - ten (10) percent.
 2. Collector Street - six (6) percent.
 3. Major Street - six (6) percent.
 4. Street Intersection - five (5) percent.
- c. Grades up to twelve (12) percent may be permitted on a through minor street where access to the street is possible over streets with grades of ten (10) percent or less.

502.6 Horizontal Curves

- a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- b. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 1. Minor Streets - one hundred fifty (150) feet.
 2. Collector Streets - three hundred (300) feet.
 3. Major Streets - Five hundred (500) feet.
- c. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.

- d. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

502.7 Vertical Curves

At all changes of street grades where the algebraic difference exceeds one (1) percent, the following vertical curves shall be provided to permit minimum sight distances:

- a. Minor Streets - two hundred (200) feet.
- b. Collector Streets - three hundred (300) feet.
- c. Major Streets - four hundred (400) feet.

502.8 Intersections

- a. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees or more than one hundred twenty (120) degrees.
- b. No more than two (2) streets shall intersect at the same point.
- c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty (150) feet between centerlines measured along the centerline of the street being intersected.
- d. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
- e. Intersections with major streets shall be located not less than one thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.
- f. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 1. Twenty (20) feet for intersections involving only minor streets.
 2. Thirty (30) feet for all intersections involving a collector street.
 3. Forty (40) feet for all intersections involving a major street.

4. Ten (10) feet for all intersections involving only service streets.
- f. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

502.9

Sight Distance at Intersections

- a. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
 1. Seventy-five (75) feet from the point of intersection of the centerlines, except that:
 2. Clear sight triangles of one hundred fifty (150) feet shall be provided for all intersections with Collector or Major Streets.
- b. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (set-back) line, such portion shall be shown on the Final Plan of the subdivision/land development and shall be considered a building set-back (reserve) line.

502.10

Cul-de-Sac Streets

- a. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- b. Any temporarily dead ended street shall be provided with a temporary all-weather turn-around, within the subdivision/land development, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
- c. Cul-de-sac streets, permanently designed as such, shall be a minimum of 250 feet and a maximum of 500 feet measured from the center of the turnaround to the center of the intersecting street and shall not furnish access to more than twenty (20) dwelling units except where ridge lines, steep valleys or other physical features allow no alternative road system. Cul-de-sac lengths may be increased where a permanent easement for emergency vehicle exit is provided and maintained from the end of the cul-de-sac to another street.

- c. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- e. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius of the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
- f. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
- g. The centerline grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.

502.11 Street Names

- a. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- b. In no case shall the name of a proposed street be the same as or similar to an existing street name in the Municipality and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- c. All street names shall be subject to the approval of the Governing Body.

502.12 Service Streets (Alleys)

- a. Service Streets may be permitted, provided that the subdivider/land developer produces evidence satisfactory to the Municipal Planning Commission or Governing Body of the need for such service streets.
- b. No part of any dwelling, garage or other structure shall be located within twenty (20) feet of the centerline of a service street.
- c. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of fifty (50) feet.

- c. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in Section 502.6 and deflections in alignment in excess of five (5) degrees shall be made by horizontal curves.

502.13 Driveway

- a. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.
- b. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed fourteen (14) percent. Entrances shall be rounded at a minimum radius of five (5) feet, or should have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge (curb line).

Section 503

Blocks

503.1 Lavout

The length, width and shape of blocks shall be determined with due regard to:

- a. Provisions of adequate sites for buildings of the type proposed;
- b. Zoning requirements;
- c. Topography;
- d. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

503.2 Length

- a. Blocks shall have a maximum length of one thousand six-hundred (1,600) feet and a minimum length of six hundred (600) feet, provided however that the Municipal Planning Commission or Governing Body may increase the maximum and/or decrease the minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage conditions warrant such a change.
- b. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

- c. Where practical, blocks along major and collector streets shall not be less than one thousand (1,000) feet long.

503.3 Crosswalks

- a. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over one thousand (1,000) feet in length.
- b. Crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

503.4 Depth

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of the property, in which case the Municipal Planning Commission or Governing Body may approve a single tier of lots.

503.5 Commercial and Industrial Blocks

Blocks in commercial and industrial areas may vary from the elements of design detailed above as required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

Section 504 Lots and Parcels

504.1 General Standards

- a. Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- b. Where feasible, lot lines should follow municipal boundaries, rather than crossing them, in order to avoid jurisdictional problems.
- c. Generally, the depth of residential lots should be not less than one (1) nor more than two and one-half (2-1/2) times their width.
- d. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

- e. If, after subdividing, there exist remnants of land, they shall be either:
1. Incorporated in existing or proposed lots, or
 2. Legally dedicated to public use, if acceptable to the Municipality.

504.2 Lot Frontage

- a. All lots shall front on a public street, existing or proposed, or on a private street if it meets the requirements of this Ordinance.
- b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- c. All residential reverse frontage lots shall have, a rear yard with a minimum depth of seventy-five (75) feet, measured as the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten (10) feet in width, across which there shall no right of access.

504.3 Lot Size

Lot dimensions and areas shall not be less than specified by the provisions of the Municipal Zoning Ordinance, and shall further conform to Title 25, Chapter 17, Rules and Regulations of the Pennsylvania Department of Environmental Resources and Section 506 of this Ordinance.

Section 505

Sanitary Sewage Disposal

505.1

All buildings and lots shall be connected to a public sewer system if accessible. Where the public sewer is not yet accessible, but is planned for extension to the subdivision/land development, the subdivider/land developer shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot or structure when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision/land development, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. Design of capped sewer system shall be subject to approval by the Municipality.

505.1 Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resources standards and Municipal standards. A copy of the approval of such system shall be submitted with the Final Plan.

505.3 Sanitary sewers shall not be used to carry storm water.

505.4 All lots and buildings which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of a septic tank(s) connected with a tile disposal field and which shall, as a minimum requirement, meet the design standards of Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Resources, and Municipal Standards.

505.5 If on-site sanitary sewage disposal facilities are to be utilized, the Municipal Planning Commission may require that the subdivider/land developer submit a Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of community sanitary sewer system with a temporary sewage treatment plant. Based on the analysis of this report, the Municipal Planning Commission may require the installation of a community sanitary sewer system. The temporary treatment plant shall be abandoned when public trunk sewers are installed in the area.

505.6 Where on-site sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than, the proposed building(s) in accordance with Municipal or State regulations.

505.7 The proposed method of sanitary sewage disposal shall be in accordance with the Municipality's officially adopted Act 537 Sewage Facilities Plan.

505.8 Whenever, according to Title 25, Chapter 71, Section 71.16, Rules and Regulations of the Pennsylvania Department of Environmental Resources, a revision is necessary to an Act 537 Sewage Facilities Plan, the procedure set forth in Sections 71.15 - 71.17 of those Rules and Regulations shall be followed.

Section 506 Soil Percolation Test Requirements

506.1 Soil probe tests shall be performed for all lots within subdivisions/land developments wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation.

506.2 Soil probe tests shall be made by the Municipality's Sewage Enforcement Officer in accordance with the procedure required

by the Pennsylvania Department of Environmental Resources.

506.3 Three (3) copies of the Site Investigation and Percolation Test Report shall be submitted with the Preliminary Plans, provided, however, that where the approval of the proposed sanitary sewage disposal facilities is otherwise required by the Pennsylvania Department of Environmental Resources, two (2) copies of the report of investigation and approval may be submitted in lieu of the Site Investigation and Percolation Test Report.

506.4 Where possible, soil probe tests shall be performed near the site of the proposed on-site sanitary sewage disposal facilities.

506.5 The results of the soil probe tests shall be analyzed in relation to the physical characteristics of the tract being subdivided/developed and of the general area surrounding the tract and the Final Plan layout shall be based on this analysis.

Section 507

Water Supply

507.1 Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision/land development, a distribution system shall be designed to furnish an adequate supply of water to each lot or building, with adequate main sizes and fire hydrants located to meet the specifications of the Middle Department Association of Fire Underwriters. A copy of the approval of such system by the appropriate public service or utility company shall be submitted with the Final Plan. Suitable agreements shall also be established for the design, specifications, construction, ownership, and maintenance of such a distribution system.

507.2 Where such systems are not accessible, and where on-site sanitary sewage disposal systems are to be used, a community water supply system may be required. A community water supply system shall be designed in accordance with the Pennsylvania Safe Drinking Water Act, approved by the Pennsylvania Department of Environmental Resources, and appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.

507.3 Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within one hundred (100) feet of any part of the absorption (tile) field of any on-site sanitary sewage disposal system, not within fifty (50) feet of any lakes, streams, ponds, quarries, etc.

507.4 Where individual on-site water supply system(s) are to be utilized, it is recommended that the subdivider/developer provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bedrock at least fifty (50) feet deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by the State or Municipal Health Officer.

Section 508

Storm Drainage

- 508.1 Storm sewers, culverts, and related installations shall be provided, as necessary, to:
- a. Permit unimpeded flow of natural water courses.
 - b. Insure adequate drainage of all low points along the line of streets.
 - c. Intercept storm water run-off along streets at intervals related to the extent and grade of the area drained.
 - d. Provide positive drainage away from on-site sewage disposal facilities.
- 508.2 Storm sewers and related installations shall be required only when, in the opinion of the Municipal Engineer, the run-off of storm water cannot be satisfactorily handled within the street cartway.
- 508.3 Where existing storm sewers are reasonably accessible, proposed subdivisions or land developments shall be required, if necessary, to connect therewith.
- 508.4 In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water run-off onto adjacent developed or undeveloped properties.
- 508.5 Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same watershed is fully developed.
- 508.6 Where a subdivision or land development is traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.

Any changes in the existing drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Resources, Water & Power Resource Board, Division of Dams & Encroachments when the drainage basin equals or exceeds 320 acres.

508.7 All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

508.8 The slope of the crown on proposed streets shall not be less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot.

508.9 Adequate facilities shall be provided at low points along streets and where necessary to intercept run-off.

Section 509

Public Use and Service Areas

509.1 Public Open Spaces

- a. In reviewing subdivision or land development plans, the Municipal Planning Commission and Governing Body shall consider whether community facilities, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision or land development, and shall make such report thereon as deemed necessary in the public interest.
- b. Subdividers/land developers and the Municipal Planning Commission shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds, and playfields; shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed, and shall be suitably prepared for this end use at the expense of the subdivider/land developer. Prior to the preparation of plans, subdividers/land development of large tracts should review with the Municipal Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided/developed.
- c. The Municipal Planning Commission shall consider the need for suitable common open space for recreation and shall make a recommendation thereon. The minimum standards to be used by the Municipal Planning Commission in recommending the reservation of common open space shall be as follows: (d.u./ac. is dwelling units per acre)

<u>Density</u>	<u>% of Tract in Open Space</u>
1-3 c.u..ac.	5%
3.1-6	10%
6.1-10	15%
10.1-15	20%
over 15	25%

509.2 Community Assets

Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision/land development.

509.3 Utility Easements

- a. All electric distribution lines shall be installed underground in all residential developments (including mobile home parks) of five (5) or more family units, as per PUC requirements. In compliance with this requirement and with the cooperation of local utility companies, the following procedure will be followed in reviewing plans subject to underground electric service:
 1. Upon filing of a Preliminary Plan for review, the subdivider/land developer will forward a copy to the appropriate utility company if the development is subject to this Order. This will apprise the utility company of the project status and indicate that the subdivider/land developer would be contacting them in the near future.
 2. Upon receipt and review of Preliminary Plans, the subdivider/land developer is directed to contact the utility company and secure an approval of plans for underground electric system. Receipt of a letter from the utility company indicating receipt of plans will be required prior to Municipal endorsement of any plan for recording. Securing this approval and coordinating the plan with the utility company is the subdivider's or land developer's responsibility.
- b. Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service abutting lots or buildings. No structures or trees shall be placed within such easements.

- c. Easements shall be centered on or adjacent to rear or side lot lines.
- d. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision/land development.
- e. Subdividers and land developers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.
- f. Petroleum products or natural gas transmission line shall be located in a fifty (50) foot minimum right-of-way, such line to be installed in the center of the right-of-way. The subdivider/land developer shall provide a fifty (50) foot right-of-way for all existing transmission lines within the subdivision/land development.
- g. Utility service for residential development not subject to the above mentioned Pennsylvania Public Utility Commission's order is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

Section 510

Erosion and Sediment Controls and Guidelines

- 510.1 Erosion and Sediment Control Measures shall meet the requirements of Title 25, Chapter 102 Rules and Regulations of the Pennsylvania Department of Environmental Resources, or the County Conservation District, standards and specifications, as applicable.
- 510.2 The following guidelines shall be applied, as needed, in establishing easements as part of erosion and sediment controls:
 - a. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area should be kept as lawn.
 - b. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than twenty (20) feet or as may be required or directed by the Department of Environmental Resources. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Municipal Planning Commission.

- c. Where storm water or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The owner shall convey, free of charge, or cost, such easements to the Municipality upon demand.

ARTICLE VI

IMPROVEMENT SPECIFICATIONS

Section 601 General Requirements

Physical improvements to the property being subdivided or developed shall be provided, constructed, and installed as shown on the Record plan, in accordance with the requirements of this Ordinance, or other Municipal ordinances or regulations, whichever is more restrictive.

601.1 As a condition to review of a Final Plan by the Municipal Planning Commission and Governing Body, the subdivider/land developer shall agree with the Municipality as to the installation of all improvements shown on the Plan and required by this Ordinance or other Municipal ordinances or regulations. Before the Record Plan is endorsed by the Municipal Planning Commission and Governing Body, the subdivider/developer shall submit a completed original copy of the Subdivision Improvements/Land Development Agreement form (Appendix A-9).

601.2 All improvements installed by the subdivider or land developer shall be constructed in accordance with the design specifications of the Municipality including any promulgated by a Municipal Authority.

Where there are no applicable Municipal specifications, improvements shall be constructed in accordance with specifications furnished by the Municipal Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources, Soil Conservation District, or such other State agency, as applicable. If there are no applicable Municipal or State regulations, the Governing Body may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

601.3 Supervision of the installation of the required improvements shall in all cases be the responsibility of the Municipality or of the appropriate state regulatory agency.

Section 602 Required Improvements

The following improvements, as shown on the Record Plan, shall be provided by the subdivider/land developer:

602.1 Street Grading: All streets shall be graded to the full right-of-way width.

601.2 Cartway Paving: All streets shall be paved to full cartway width (as shown on the Final Plan) and as required by Section 501.3 of this Ordinance. All streets shall be inspected by the Governing Body or their representative prior to paving.

602.3 Curbs: Curbs, when required by the Governing Body, shall be installed along both sides of all streets, except along service streets in accordance with Municipal ordinances. Curbs shall be either the vertical type, or rolled curb and gutter type, except that rolled curbs shall not be used on streets whose grade exceeds six (6) percent, or on any collector or major streets. The transition from one type of curb to another shall be made only at a street intersection.

602.4 Sidewalks:

- a. Where required by the Governing Body, sidewalks with a minimum width of four (4) feet shall be installed.
- b. All sidewalks, curbs, and gutters shall be installed in accordance with Municipal curb, gutter, and sidewalk ordinances.

602.5 Driveways: Driveways shall be installed in accordance with Municipality requirements.

602.6 Sewers

- a. Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article V of this Ordinance and Municipal standards.
- b. Sanitary Sewage Disposal System(s):
 - 1. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article V of this Ordinance.
 - 2. Whenever a subdivider/land developer proposes that individual on-site sanitary sewage disposal systems shall be utilized, the subdivider/land developer shall either install such an approved facility, approved by DER, or shall guarantee (by deed restriction or otherwise), as a condition of the sale that such facilities can be installed by the purchaser of such lot or parcel.

3. In all other cases, the subdivider/land developer shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Municipality and shall be subject to the approval of the Pennsylvania Department of Environmental Resources. Such system shall be further subject to satisfactory provision for the maintenance thereof.
4. Where studies by the Municipality or a Municipal Authority indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided or developed appears probable within a reasonably short time (up to five years), the Governing Body shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems.

602.7 Water Supply

- a. Water supply system(s) shall be installed consistent with design principles and requirements contained in Article V of this Ordinance.
- b. Where the subdivider/land developer proposes that individual on-site water supply system shall be utilized, the subdivider/land developer shall either install such facilities or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel, that the facilities can be installed by the purchaser of such lot or parcel.
- c. Wherever feasible, the subdivision/land development shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Municipality and shall be subject to the approval of the Pennsylvania Department of Environmental Resources. Such system shall be further subject to satisfactory provision for the maintenance thereof.

602.8 Fire Hydrants: Wherever a public or community water system is provided, fire hydrants suitable for the coupling of equipment serving the Municipality shall be installed within six hundred (600) feet of all existing and proposed structures, measured by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters). Locations of hydrants shall be approved by the Fire Company officials serving the Municipality and by the Engineer of the Municipality.

602.9 Monuments:

- a. Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided or developed. The subdivider/land developer, or his representative, shall notify the Municipal Engineer in order that he may inspect the placement of the monuments before they are covered.
- b. All monuments shall be placed by a registered professional Engineer or surveyor so that the scored (by an indented cross or drill hole) point shall coincide exactly with point of intersection of the lines being monumented.
- c. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
 1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.
 2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- d. All streets shall be monumented at range line, within the right-of-way lines of the street and five (5) feet distant therefrom and at the following locations:
 1. At least one monument at each intersection.
 2. At changes in direction of street lines, excluding curb arcs at intersections.
 3. At each end of each curbed street line, excluding curb arcs at intersections.

4. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.
5. At such other places along the line of streets as may be determined by the Municipal Engineer to be necessary so that any street may be readily defined in the future.

602.10 Street Signs: Street name signs shall be installed at all street intersections. The design and placement of such signs shall be by the Municipality, the cost of which shall be borne by the subdivider/land developer.

ARTICLE VII

MOBILE HOME PARKS

Section 701

Mobile Home Parks shall be designed and improved in accordance with the requirements of the Municipality's Mobile Home Park Ordinance and the Municipality Zoning Ordinance.

ARTICLE VIII

ADMINISTRATION, AMENDMENT, SEVERABILITY

Section 801 Revision and Amendment

- 801.1 The Governing Body may, from time to time on its own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of subdivision and/or land development plans.
- 801.2 Any revisions, modifications, or amendments to this Ordinance shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of Act 247, as amended, Section 505 or any amendments thereto.

In addition, in the case of amendment other than that prepared by the Municipal Planning Commission, the Governing Body shall submit each amendment to the Municipal Planning Commission and the County Planning Commission for recommendations at least forty-five (45) days prior to the date fixed for the public hearing on such proposed amendment.

Section 802 Modifications

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Municipality. The Municipality reserves the right, in unusual situations, to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Ordinance. The list of such modifications and the reasons for them shall be entered in the minutes of the Municipal Planning Commission or Governing Body, and a copy of this entry shall be transmitted to and maintained by the Municipal Secretary. Modifications shall be clearly defined and entered on the Record Plan and signed by the Governing Body.

Section 803 Appeals and Challenges

All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, as amended.

Section 804 Fees

- 804.1 The Governing Body shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the subdivider and land developer at the time of filing a Preliminary Plan.

804.2 The Schedule of fees shall be posted in the Municipal Office or in such other place as the Governing Body may designate, and be available upon request.

804.3 In the event the subdivider or land developer is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Municipal Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the subdivider/land developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary approval has been obtained.

804.4 No Final Plan shall be approved unless all fees and charges have been paid in full.

Section 805

Penalties

805.1 No lot in a subdivision/land development shall be sold, no permit to erect any building upon land in a subdivision/land development shall be issued, and no building shall be erected in a subdivision/land development until a Record Plan of such subdivision/land development shall have been approved and properly recorded and until improvements have been either constructed or guaranteed.

805.2 Any subdivider/land developer who shall subdivide any lot, tract, or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main or other improvements for public use, travel or for the common use of occupants for buildings abutting thereon, or who sells, leases, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development or erect any building thereon, without first having complied with all the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. The description by metes and bounds in the instrument of transfer or other documents used for selling or transferring shall not exempt the seller or transferor from such penalties.

805.3 The Governing Body may initiate and maintain civil action:

- a. To obtain a writ of injunction against the subdivider/land developer who attempts the improper sale, lease, or conveyance of land.
- b. To set aside and invalidate any conveyance or leases of land made prior to recording of any subdivision/land development.

805.4 Nothing herein shall prevent the Municipality from taking such other action necessary to prevent or remedy any violation.

Section 806 Keeping of Records

The Municipal Planning Commission and the Governing Body shall keep a record of their findings, decisions, and recommendations relative to all subdivision/land development plans filed for review. Such records shall be made available to the public for review.

Section 807 Responsibility

The subdivider/land developer shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

Section 808 Conflicts

808.1 Whenever there is a difference between the minimum standards specified herein and those included in other Municipal Ordinances or regulations, the more stringent requirements shall apply.

808.2 All existing ordinances or regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 809 Severability

Should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

Section 810 Effective Date

This ordinance shall become effective ten (10) days after adoption by the Governing Body.

DULY ENACTED AND ORDAINED by the Supervisors of the Township of Wayne, Schuylkill County, Pennsylvania, this 19th day of February, 1984 in lawful session duly assembled.

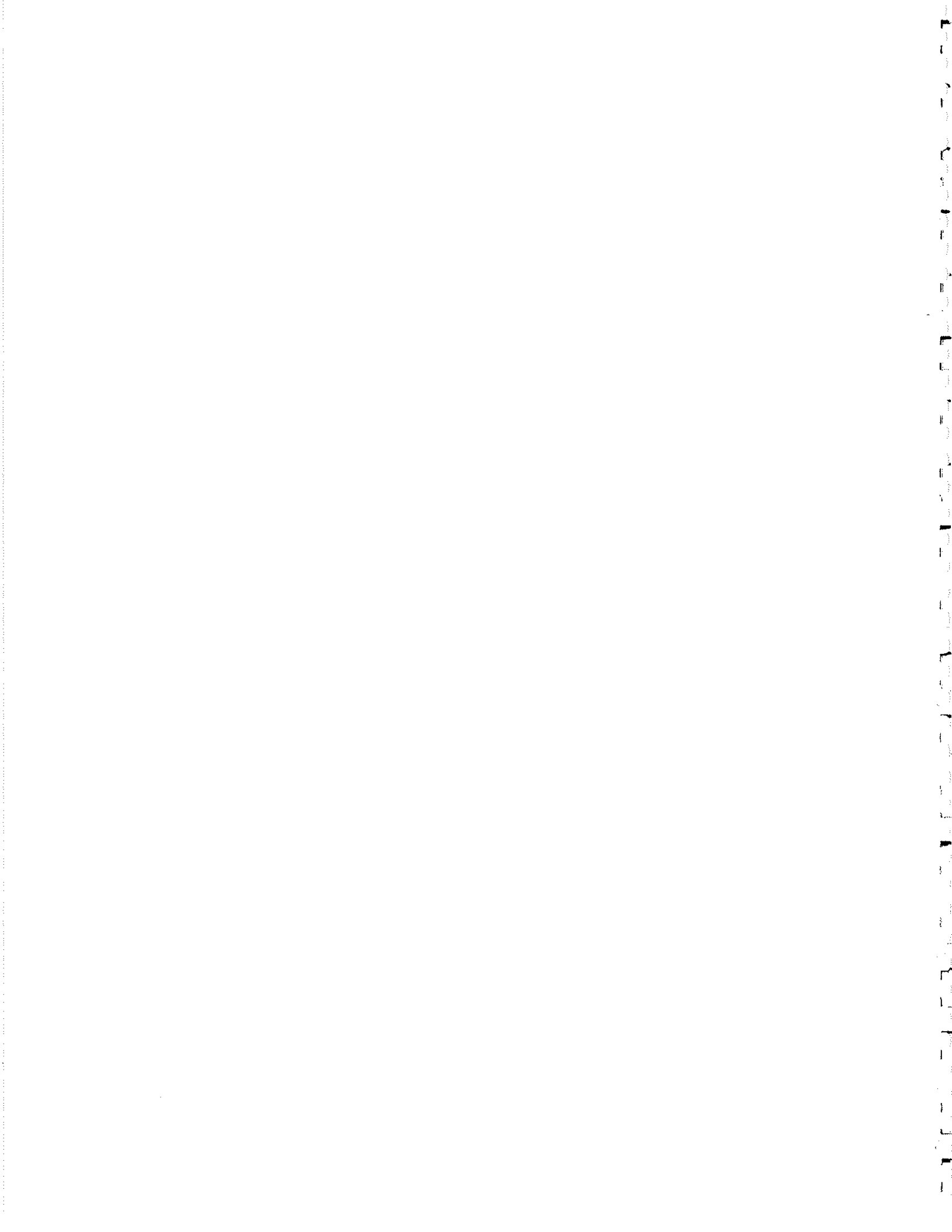
BY *Terrence J. Potts*

ATTEST:

Gracie F. Kull
Secretary

Tony Schubert

Mark L. Schroyer
Township Supervisors



ORDINANCE NO. 1989-2

AN ORDINANCE AMENDING THE WAYNE TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE TO CONFORM WITH ACT 170 OF 1988

BE IT ENACTED and ORDAINED by the Board of Supervisors of the Township of Wayne, County of Schuylkill and State of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. In the Table of Contents, the following change shall be made:

Change Section 805 to read: Preventative and Enforcement Remedies

SECTION 2. In Article II (Definitions) the following definitions shall be revised:

Land Development: (1) The improvements of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space, whether initial or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features; (2) A subdivision of land.

Mobile Home Park: A parcel or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots for the placement of mobile homes.

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts,

parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs and devisees, transfer of ownership or building or land development; provided, however, that the divisions of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted. The term subdivision shall refer, as appropriated in this Ordinance, to the process or subdividing land or to the land proposed to be subdivided.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

SECTION 3. The following revisions shall be made in Article III (Submission and Review Procedures):

- Sub-Section 304.2(c) of Article III, Section 304, shall be amended to read as follows:

(c) Three (3) completed copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required and appropriate PADER Planning Modules.

- Sub-Section 305.5 of Article III, Section 305, shall be amended by adding sub-paragraph (g) as follows:

g. The subdivider/land developer shall accept or reflect any conditions imposed by the Governing Body, in writing, within thirty (30) days of notification as provided for in Section 305.5 c. of this Ordinance. The approved subdivision/land development plan shall be automatically rescinded upon failure by the subdivider/land developer to accept or reject such conditions.

- Section 306 of Article III, Submission of Final Plan, shall be revised as follows:

Add the following to the last paragraph: Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units proposed.

In Section 306.2c, subparagraphs 7 and 8, all references to PennDER shall be changed to PADER.

- In Section 309.2, changes shall be made in the first 2 paragraphs. The remaining paragraphs of Section 309.2 shall remain the same. The first 2 Paragraphs shall read as follows:

In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivider/land developer may deposit with the Municipality financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

When requested by the subdivider or land developer the Governing Body will furnish a signed copy of a resolution indicating approval of the Final Plan contingent upon obtaining financial security. The contingency approval shall expire and be deemed to be revoked if financial security agreement is not executed within ninety (90) days.

Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonable withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

The amount of financial security to be posted for completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the subdivider/land developer. Annually the Municipality may adjust the amount of the financial security by comparing the actual cost of improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the subdivider/land developer to post additional security in order to assure that financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the subdivider/land developer in accordance with this subsection.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the subdivider/land developer, and prepared by a Professional Engineer licensed in the Commonwealth of Pennsylvania and certified by such Engineer to be a fair and reasonable estimate of such costs. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the subdivider/land developer and the Municipality are unable to agree upon an estimate, the estimate shall be recalculated and recertified by another Professional Engineer licensed in the Commonwealth of Pennsylvania and chosen mutually by the Municipality and the subdivider or land developer. The third Engineer's certified estimate shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third Engineer is so chosen, fees for services of said Engineer shall be paid equally by the Municipality and the subdivider/land developer.

- In Section 310, the following revisions shall be made:

Delete the third paragraph and substitute the following:

The Governing Body shall notify the subdivider/land developer within fifteen (15) days of receipt of the Engineer's report in writing by certified or registered mail of their action.

Add the following paragraph to the end of this section:

The subdivider or land developer shall reimburse the Municipality for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a fee schedule established by the Municipality. Any dispute in connection with such fees shall be resolved in accordance with Section 510g of the Pennsylvania Municipalities Planning Code, as amended.

- Sub-Section 313.1 shall be revised to read as follows:

313.1 In the case of a proposed subdivision or land development where the intent of the subdivider or land developer so expressed in writing will create two (2) and only two (2) parcels, lots, or tracts of land of the original tract, and fronting on an existing improved State of municipal road or street, the Municipal Planning Commission may allow the subdivider or land developer to prepare a Final Plan for recording, showing the subdivision or land development accompanied by the required data set forth in Section 403 and the submission of the results of soil percolation tests and PADER Planning Modules, as described in this Ordinance. Further subdivisions or land development from a tract recorded under this Section will require a review of plans in accordance with the full provisions of this Ordinance.

SECTION 4. The following revisions shall be made in Article IV (Plan Requirements):

- Sub-Section 402.1 c. of Article IV, Section 402, shall be amended to read as follows:

c. Name, address, license number and seal of the Professional Engineer or Surveyor responsible for the subdivision/land development plan.

- Sub-Section 402.1 j. of Article IV, Section 402, shall be amended to read as follows:

j. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, wetlands, flood plain areas (based on a 100 year storm frequency, unless otherwise specified by the Municipal Zoning Ordinance), and other significant man-made or natural features within the proposed subdivision or land development.

- Sub-Section 403.1 b. of Article IV, Section 403, shall be amended to read as follows:

b. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider/land developer (for example, between separately submitted Final Plan sections) and not required to be based upon field survey, may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided/developed. In addition, the Surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of required monuments.

- Sub-Section 403.1 k. of Article IV, Section 403, shall be deleted and the following substituted:

k. Any proposed driveway or intersection of a new street with a state legislative route must receive a "Highway Occupancy Permit" from the PennDOT. The approved Permit must

accompany the Final Plan submission and the Permit number must be noted on the Final Plan.

In the case of driveways only, the Final Plan may contain a statement in lieu of submission of Permits that states: Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a State highway is permitted.

- Sub-Section 403.1 shall be revised by adding a subparagraph g.
- g. Wetland boundaries shall be accurately shown with distances and bearings, surveyed in the field.
- In Section 403.2, all references to PennDER shall be changed to

PADER.

SECTION 5. The following revisions shall be made in Article V (Design Standards):

- Section 507 of Article V shall be amended by adding the following new section:

507.5 Whenever water supply is proposed to be provided by means other than by private wells owned and maintained by individual owners of lots within a subdivision or land development, the subdivider/land developer shall present evidence (consisting of a Certificate of Public Convenience from the Pennsylvania PUC or an application for such certification, a cooperative agreement or a commitment or agreement to serve the area) that the subdivision or land development is to be supplied by a certificated public utility, a bona fide corporative association of lot owners, or by a municipal corporation, authority, or utility.

- Sub-Section 508.5 of Article V, Section 508, shall be revised to read as follows:

508.5 Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same watershed is fully developed. All design criteria and requirements shall be in accordance with the procedures contained in the Appendix for Storm Water Management.

SECTION 6. The following revisions shall be made in Article VI (Improvement Specifications):

- Section 602 shall be revised by adding the following new Sub-Section:

602.11 Storm Drainage: Storm sewers and related facilities shall be designed and installed in accordance with the standards contained in the Appendix of this Ordinance.

SECTION 7. The following revisions shall be made in Article VIII (Administration, Amendment, Severability):

- Sub-Section 801.2 shall be revised to read as follows:

801.2 Any revisions, modifications, or amendments to this Ordinance shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of the Pennsylvania Municipalities Planning Code, as amended, Section 505 or any amendments thereto.

In addition, in the case of amendment, other than that prepared by the Municipal Planning Commission, the Governing Body shall submit each amendment to the Municipal Planning Commission and the County Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. Within thirty (30) days after adoption of any amendment, a certified copy shall be forwarded to the County Planning Commission.

Any revision, modification, or amendment to this Ordinance shall be enacted in accordance with the provisions of Act 170, Section 506 or any amendments.

- Section 802 shall be deleted in its entirety and the following substituted:

Section 802 Modifications

The Governing Body may grant modifications of the requirement of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, and the minimum modification necessary.

The Governing Body may refer the request for modification to the Municipal Planning Commission for advisory comments. The Governing Body shall keep a written record of all action on all requests for modifications.

- Section 805 shall be deleted in its entirety and the following substituted:

Section 805 Preventive and Enforcement Remedies

805.1 Preventive Remedies

In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Article V of the Pennsylvania Municipalities Planning Code. This authority to deny such a permit or approval shall apply to any of the following applicants:

- a. The owner of record at the time of such violation.
- b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation

without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the subdivision or development of any such real property, the Municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

805.2 Jurisdiction

District Justices shall have initial jurisdiction in proceedings brought under Section 805.3.

805.3 Enforcement Remedies

Any person, partnership, or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a Municipality, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays or timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, under petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this section.

SECTION 8. The remaining Sections of the Subdivision and Land Development Ordinance shall remain in full force and effect.

ENACTED and ORDAINED into an ordinance this 20th day of

September, A. D., 1989

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WAYNE

Attest:

Ardell F. Kuel
Secretary

Kenneth F. Potts
James L. Schubert
Stanley J. Ritter

APPENDIX
STORM WATER MANAGEMENT

1.6

DEFINITIONS

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

Cistern: An underground reservoir or tank for storage of rainwater.

Conservation District: The Schuylkill County Conservation District.

Culvert: A pipe, conduit or similar structure, including appurtenant works, which carries surface water.

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24 hour), and used in computing storm water management control systems.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Diversion Terrace: A channel and a ridge constructed to a pre-determined grade across a slope, and designed to collect and/or divert runoff.

Drainage Easement: A right granted by a land owner to a grantee, allowing the use of private land for storm water management purposes.

Erosion: The removal of soil particles by the action of water, wind, ice or other geological conditions.

Groundwater Recharge: The replenishment of existing natural underground water supplies.

Hydraulic Grade Line: A line joining points whose vertical distance from the center of the cross section of the fluid flowing in a pipe are proportional to the pressure in the pipe at the joint.

Hydraulic Gradient: The slope of the hydraulic grade line.

Impervious Surface: Any surface which retards the percolation of the water into the ground, including but not limited to asphalt, concrete, roofs, etc.

Infiltration Structures: A structure designed to direct runoff into the ground, e.g., french drains, seepage pits, seepage trenches.

Private Entity: A partnership, corporation, Homeowner's Association, Condominium Association or any other similar association as distinguished from an individual lot owner.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a specified storm event.

Rational Formula: A rainfall to runoff relation used to estimate peak flow, expressed by the following formula:

$$Q = CIA$$

Q = peak runoff rate in cfs

C = runoff coefficient

I = design rainfall intensity (in/hr) lasting for a critical time.

A = drainage area in acres

Retention Basin: A basin designed to retard storm water runoff by having a controlled subsurface discharge system.

Runoff: That part of precipitation which flows over the land.

SCS: Soil Conservation Service, U.S. Department of Agriculture.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Sediment Basin: A barrier, dam, retention or detention basin designed to retain sediment.

Seepage Pit (Seepage Trench or French Drain): - An area excavated in earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

Seepage Tank: A subsurface concrete tank surrounded by stone into which surface water is directed for infiltration into the ground.

Semi-Impervious Surface: A surface such as stone, rock or other materials which permits some vertical transmission of water.

Soil-Cover Complex Method: A method of runoff computation developed by SCS, and found in its publication "Urban Hydrology for Small Watersheds". Technical Release No. 55, SCS, Jan., 1975, latest revision (TR-55).

Storm Frequency: The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years.

Storm Sewer: A system of pipes or conduits which carries intercepted surface runoff, street water or drainage, but excluding domestic sewage and industrial wastes.

Storm Water: The drainage runoff from the surface of the land resulting from precipitation, snow or ice melt.

Storm Water Structures: Basins, catch basins, inlets, headwalls, pipes, swales, terraces, etc. designed and installed to collect, transport, detain and/or retain storm water.

Swale: A low lying stretch of land which gathers or carries surface water runoff.

Time of Concentration: The time, in minutes, surface storm water runoff takes to travel from the most distant point in the drainage basin to the point under design consideration. This time is the combined total of overland flow time and flow time in pipes or channels

2.0

APPLICATION REQUIREMENTS

2.1 Plan Requirements

All plans shall be accompanied by the following information:

- a. Narrative setting forth project description, procedure and methodology. Included shall be

- a) calculations, seepage reports (percolation tests, test pit reports) and soil erosion - sediment control description.
- b. Description of proposed storm water controls both during and after development.
- c. Project time schedule, including anticipated start and completion dates.
- d. Training and experience of person(s) preparing the plan.
- e. An executed signature block by a Registered Professional Engineer as follows: "I, _____ have prepared and hereby certify that the storm water management plan meets all design standards and criteria of the Wayne Township Storm Water Management Ordinance." The seal of the certifying engineer shall be on all documents submitted.
- f. Subdivision or land development plan should show the following:
1. The location of the project relative to highways, municipal boundaries or other identifiable landmarks.
 2. Existing and proposed contours at intervals of two (2) feet. In areas of steep slopes (greater than 8%), five-foot contour intervals may be used.
 3. Streams, lakes, ponds, or other bodies of water within the project area or adjacent to the site which will be affected by runoff from the project.
 4. Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
 5. Location of existing and proposed overhead and underground utilities, sewers and water lines.
 6. Soil types and boundaries.
 7. Proposed changes to land surface and vegetative cover.
 8. Areas to be cut or filled.

9. Proposed structures, roads, paved areas and buildings.
10. Location of where water will exit the site and the means for discharging.

2.2 Storm Water Management Controls:

All storm water management controls must be shown on a plan and described, including:

- a. Groundwater recharge facilities such as seepage pits, seepage tanks, beds or trenches. When such structures are used, the location of septic tank infiltration areas and wells must be shown, and a cross section shall be provided.
- b. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
- c. Schedule for installation of the control measures and devices.
- d. All calculations, assumptions and criteria used in the design of control device or other method proposed.
- e. Construction details of all storm water facilities shall be shown in sufficient clarity for construction to proceed from details provided. The details shall be shown on plans accompanying the storm water management control plan.

2.3 Maintenance Program

A maintenance program for all storm water management control facilities shall be included. This program must include the proposed ownership of the facilities and shall detail the financial responsibility for required maintenance.

The following methods for facility ownership and maintenance may be utilized.

- a. The facilities may be incorporated within individual lots so that the

respective lot owners will own and be responsible for maintenance in accordance with recorded deed restrictions. Such deed restrictions shall include necessary maintenance requirements by the lot owner.

Owners of multi-family, commercial or industrial properties shall own and be responsible for maintenance in accordance with the agreement covering said plan approval.

- b. Ownership and maintenance may be the responsibility of a Home Owners Association. The stated responsibilities of the Home Owners Association for ownership and maintenance of storm water management facilities shall be submitted to the Township for determination of their adequacy, and upon their approval shall be recorded with the Recorder of Deeds of Schuylkill County, Pennsylvania. In addition, the approved plan and all deeds shall contain a condition that it shall be mandatory for the owner or owners of the property to be members of the Home Owners Association.
- c. Storm Water Management facilities may be dedicated to the Municipality, if acceptable to the Municipality.

2.4 Modification of Plans

A modification to an approved subdivision or land development plan which involves a change in control methods or techniques, or which involves the relocation or design of control measures, or which is necessary because soil or other conditions are not as stated on the approved plan shall be resubmitted and reapproval under the procedures contained in Section 306 of this Ordinance.

3.0

INSPECTION & CERTIFICATIONS

3.1 Inspections

The Township Engineer shall inspect all phases of the work including, but not limited to:

- a. Completion of preliminary site preparation including stripping of vegetation,

stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.

- b. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
- c. During construction of the permanent storm water facilities at such times as deemed necessary by Township Engineer.
- d. Upon completion of installation of permanent storm water management facilities and soil erosion controls, including established ground covers and plantings.
- e. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and Permit.

It shall be the responsibility of the applicant to notify the Township Engineer seventy-two (72) hours in advance of the completion of each identified phase of development.

Any portion of the work which does not comply with the approved plan must be corrected by the applicant. No work may proceed on any subsequent phase of the storm water management facility until the required corrections have been made.

If at any stage of the work, the Township Engineer determines that the soil or other conditions are not as stated or shown in the approved subdivision or land development plan, a revised plan, approved under Section 306 of this Ordinance, will be required.

3.2 Project Completion

- a. Within forty-eight (48) hours after completion of the work, the applicant shall notify the Township Engineer of the completion of the work so that the Township Engineer may conduct a final inspection.
- b. The applicant must submit with his request for final inspection a certification by a Pennsylvania Registered Professional Engineer certifying that all elements of the approved plan have been constructed as designed and approved.

3.3 As-Builts

Following construction and final approval of all storm water management facilities to be dedicated to the Municipality, the applicant shall submit drawing(s) bearing the seal of a Pennsylvania Registered Professional Engineer showing "As-Built" improvements which had been proposed in the application and approved plan.

4.0

STORM WATER MANAGEMENT REQUIREMENTS

4.1 General Requirements

a. Method Computation

Computations for determining storm water runoff and peak discharge for the design of storm water management facilities shall be based upon the Soil Cover Complex Method described in TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or TR-20, where appropriate; excepting that the Rational Method may be used for computing roof and driveway water run off figures for seepage trench, seepage tank, seepage pit use, etc. for individual residences or drainage areas less than one-quarter of one square mile.

b. Rainfall Frequency Data

The frequency of rainfall shall be a two (2) year base frequency; a five (5) year base frequency; a ten (10) year base frequency; a twenty-five (25) year base frequency; a fifty (50) year base frequency; and a one-hundred (100) year base frequency.

c. Maintenance of Natural Drainageways

All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an exception is approved by Township Board of Supervisors. All encroachment activities shall comply with Chapter 105 (Water Obstructions and Encroachments) of title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources, latest revision.

d. Methods of Storm Water Runoff Detention and Control

The following is a list of detention and control methods suitable for storm water management systems:

1. Seepage pits, trenches, or other infiltration structures.
2. Detention and/or retention structures.
3. Cisterns and underground reservoirs.
4. Grass channels or swales.
5. Routed flow over grassed areas.
6. Decreased impervious area coverage.
7. Porous pavement and concrete lattice block surface.
8. Roof - top storage.
9. Parking lot and street ponding.
10. Other control methods which meet the criteria of this Ordinance, when approved by the Township Engineer.

4.2 Design Criteria

a. Total System Requirements

All pre-development calculations shall be based upon existing land use features, however, agricultural lands shall be considered as using conservation treatment or in good condition irrespective of the current use. Pre-development storm water runoff shall be calculated for all storm frequencies.

1. Release rates shall be based on the runoff from the 2-year pre-development storm event.
2. Storage structures shall be designed so that the post-development 10-year peak discharge will not exceed the pre-development 2-year peak discharge. Twenty-five year, 50-year and 100-year peak discharge rate shall not exceed the pre-development peak discharge for that storm event. The height of the

impoundment embankment shall be at least 2 feet above the discharge elevation of the emergency spillway.

3. All storage structures or facilities will be designed with emergency spillways sufficient to handle the 100-year post-development storm event without causing major property damage even when the principal spillway is completely blocked. The emergency spillway shall be at least six (6) inches above the principal spillway.
4. Culverts, pipes and other water carrying structures shall be designed to handle the peak discharge from the 25-year post-development storm event. All pipes shall be provided with end section or end wall.
5. All storage structures shall be designed that the post-development 25-year, 50-year, and 100-year peak discharges will not exceed the equivalent pre-development peak discharge.

b. Storm Water Runoff Volumes

Storm water runoff shall be based on the following 24-hour storm events; or other valid data as deemed suitable by the Township Engineer:

Storm Frequency	Storm Volume in inches of Rainfall
2-year	3.0 inches
5-year	3.9 inches
10-year	4.7 inches
25-year	5.3 inches
50-year	5.9 inches
100-year	6.5 inches

Rational Method - Storm volumes shall be in accordance with PennDOT Field Manual, Storm Intensity Duration, Frequency Charts, last revision.

c. Storm Water Inlets

The maximum spacing between storm water inlets shall be designed according to the 25-year storm flow and the capacity of the inlets, taking into account maximum allowable street flooding and drainage-way capacity. When a possibility of clogging of grates, side opening, or combination inlets exists, the capacity reduction factors

shown in Table 1 must be applied to the theoretical capacity of the inlet. The maximum amount of water that shall be bypassed on to the next downstream inlet for inlets on continuous grades is ten (10) percent.

d. Pipes

The minimum allowable pipe diameter shall be fifteen (15) inches unless reduced pipe size is approved by the Township Engineer. Horizontal and vertical curves with radii of one-hundred (100) feet or greater are allowed for all pipe sizes thirty (30) inches in diameter or greater. Friction losses in the pipe shall be calculated using the Manning formula. Values for "n" are shown in Table 2. The minimum value for "v" in pipes shall be 3.0 feet per second. The maximum value for "v" in pipes shall be based on engineering judgement and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least one (1) foot below ground level. Pressure heads up to twenty-five (25) feet can be used with concrete pipe with rubber gasketed joints.

e. Spacing of Structures

The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based on the pipe size and spacing shown in Table 3. Manholes, catch basins or junction boxes shall be installed at all changes in grade or horizontal alignment except as noted in paragraph 602.4.

f. Open Channels

Maximum allowable velocities of flow in swales, open channels, and ditches as relating to slope and grass cover are shown in PADER Soil Erosion and Sedimentation Control Manual, latest revision. Higher velocities require invert stabilization. Velocity dissipators may be used, if approved by the Township Engineer.

Where seepage pits, seepage tanks, seepage trenches and/or french drains are proposed, the applicant shall include an analysis of the potential for accelerated sinkhole development in the specific geology of the site due to the concentration of water introduction to the subsurface.

The applicant shall submit a seepage report containing a test pit soils analysis, prepared by a soil scientist, and percolation test results. The bottom of the test pits shall be the elevation at which the soil/seepage interface is designed, i.e. the bottom of the trench, pit, etc. Percolation tests shall be run at this interface. Percolation rates shall be fifteen (15) minutes per inch maximum and ninety (90) minutes per inch minimum.

g. Equivalent Discharge

Alternative means of stormwater discharge and retention, resulting in the equivalent discharge as required by this Ordinance, may be permitted when approved by the Township Engineer.

5.0 FINANCIAL GUARANTEES AND MAINTENANCE

5.1 Construction Guarantees

The applicant shall provide financial security as a construction guarantee in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, Act 170, latest revision. The financial security shall be released only after receipt by the Township of certification and "As-Builts" as required by this Ordinance. Release of improvements guarantee shall be in accordance with Section 510 of the Pennsylvania Municipalities Planning Code, Act 170, latest revision.

5.2 Maintenance Guarantees

Prior to acceptance of any storm water management facilities by Township, the developer shall provide financial security, approved by the Township Solicitor, consisting of a maintenance bond equal to fifteen (15) percent of the cost of the installation of all facilities. The financial security must guarantee the storm water management facility for a period of eighteen (18) months.

5.3 Maintenance By Private Entity

When a private entity (such as a homeowner's association) retains ownership of any storm water management facility, such entity shall be responsible for maintenance of the facility. In such case, approval of storm water management facility plans shall be conditioned upon the private entity agreeing to be responsible for all maintenance of the storm water management facility. Any such agreement shall be in writing, shall be in recordable form, and shall, in addition

to any other terms deemed necessary by the Township, contain a provision permitting inspection at any reasonable time by Township Engineer or its designee of all such facilities.

5.4 Maintenance by Individual Lot Owners

When any storm water management facility is located on an individual lot, and when maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be incorporated on a plat of the property and contained in the deed of the property. In addition, the Township shall require as a condition of approval that any deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the storm water management facility. In addition to any other terms deemed necessary by the Township, such deed shall contain a provision permitting inspection at any reasonable time by Township Engineer, or designee, of all facilities.

5.5 Failure to Maintain

The failure of any person, individual lot owner or private entity to properly maintain any storm water management facility shall be construed to be a violation of this Ordinance and is declared to be a public nuisance subject to Article VIII, of this Ordinance.

TABLE 1

INLET CAPACITY REDUCTION FACTORS
ASSUMING PARTIAL CLOGGING

Condition	Inlet Type	Reduction Factors*
Sump	Side Opening	0.80
Sump	Grate	0.50
Sump	Combination	0.65
Continuous Grade	Side Opening	0.80
Continuous Grade	Side Opening with Deflector	0.75
Continuous Grade	Longitudinal Bars	0.60
Continuous Grade	Transverse Bars	0.50
Continuous Grade	Combination	0.60

*Percentage of theoretical capacity

TABLE 2

"n" VALUES FOR MANNING FORMULA

Type of Pipe	"n" Value†
Concrete Culvert Pipe	0.013
Concrete Sewer Pipe	0.013
Cast/Ductile/Steel Iron	0.013
Corrugated Metal (plain)	0.024
Corrugated Metal (coated)	0.021
Corrugated Metal (lined)	0.013
Plastic	0.011
Vitrified Clay	0.013

†Adjustments for specific conditions shall be based on engineering experience and judgement, and submitted to the Township Engineer for approval.

TABLE 3

SPACING OF INSPECTION AND CLEANOUT

STRUCTURES FOR STORM SEWERS

Size of Pipe (inches)	Maximum Allowable Spacing (feet)
15	400
18 - 36	500
42 - 60	700
66 or larger	Unlimited

**TOWNSHIP OF WAYNE
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-2

AN ORDINANCE OF THE TOWNSHIP OF WAYNE, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE WAYNE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO REVISE AND CLARIFY REQUIREMENTS FOR UTILITY EASEMENTS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Wayne Township have previously enacted Ordinance 1972-1, as amended, known as the Wayne Township Subdivision and Land Development Ordinance; and

WHEREAS, the Board of Supervisors believes that the provisions of the Ordinance regarding provision of utility easements by developers should be clarified; and

WHEREAS, a public hearing was held on the proposed amendment in accordance with the requirements of Section 505 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10505.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

A. Section 509.3 b. and c. of Ordinance No. 1972-1 are amended and restated to read as follows:

"509.3 Utility Easements

...
b. Easements with a minimum width of twenty (20) feet shall be provided along all existing or proposed public roads or streets, for poles, wires, conduits, pipes, storm and sanitary sewers, gas, water, heat, electric, telephone, television, and any other utility lines or service providers. Such easements shall be used exclusively by all such providers or utilities, and no such poles, wires, conduits, pipes, storm and sanitary sewers, gas, water, heat, electric, telephone, television, or other utility lines or services shall be placed within the right-of-way of any existing or proposed public streets or roads.

Such easements shall be deemed to be granted to the authorized provider of such utilities or services, on a nonexclusive basis. The developer shall agree to sign, acknowledge and deliver appropriate written instruments granting such easements to utilities or service providers if so requested by such utilities or service providers. The easement shall be shown on all preliminary and final plans for subdivision and land development. All such utilities or services shall be installed in a manner consistent with the use of the easement by other utilities or services. No structures or trees shall be placed within such easements.

c. Similar easements along side or rear lot lines shall be provided if needed to properly service other lots within or adjacent to the development.

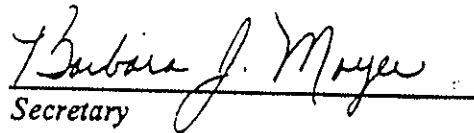
...


B. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 21st day of April, 2004, by the Board of Supervisors of Wayne Township, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WAYNE**


Secretary


Chairman

**TOWNSHIP OF WAYNE
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2005-1

AN ORDINANCE OF THE TOWNSHIP OF WAYNE, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE WAYNE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO REQUIRE A NOTE IN SUBDIVISION AND LAND DEVELOPMENT PLANS ABOUT NEARBY AGRICULTURAL OPERATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Wayne Township have previously enacted Ordinance 1972-1, as amended, known as the Wayne Township Subdivision and Land Development Ordinance; and

WHEREAS, the Board of Supervisors believes that preliminary and final subdivision and land development plans should contain a note regarding agricultural operations on nearby properties; and

WHEREAS, a public hearing was held on the proposed amendment in accordance with the requirements of Section 505 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10505.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

A. Section 402.1 of Ordinance No. 1972-1 is amended to add the following provision:

"Section 402 Preliminary Plan

402.1 ...

- p. Any subdivision or land development plan for land, any part of which is zoned for agricultural use, or which is adjacent to any land which is zoned for agricultural use, shall contain the following statement in the general notes of the said subdivision or land development plan:

"Existing and future agricultural operations on nearby property could adversely effect the premises described in this plan. Such agricultural operations may be protected by the Act of June 10, 1982, P.L. 454, No. 133, (3 P.S. Section 951 et seq.) and similar laws."

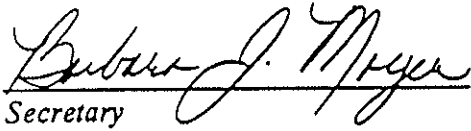
..."

B. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 20th day of April, 2005, by the Board of Supervisors of Wayne Township, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WAYNE**


Secretary


Chairman

**TOWNSHIP OF WAYNE
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-1

AN ORDINANCE OF THE TOWNSHIP OF WAYNE, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE WAYNE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO PROVIDE FOR THE DEDICATION OF LAND FOR PUBLIC OR PRIVATE OPEN SPACES FOR RECREATIONAL PURPOSES, OR FOR THE PAYMENT OF A FEE IN LIEU OF SUCH DEDICATION; ESTABLISHING PROCEDURES AND STANDARDS FOR SUCH DEDICATION OR FEE; REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Wayne Township have previously enacted Ordinance 1972-1, as amended, known as the Wayne Township Subdivision and Land Development Ordinance; and

WHEREAS, the Board of Supervisors have determined that standards for the provision of public open space are insufficient in the said Ordinance 1972-1, and that it would be appropriate to allow the payment of a fee in lieu of dedication of land for public open space or for the designation of land for private open space; and

WHEREAS, a public hearing was held on the proposed amendment in accordance with the requirements of Section 505 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10505.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

A. Section 509.1 of Ordinance No. 1972-1 is amended to read as follows:

“Section 509 Public Use and Service Areas

509.1 Public and Private Open Spaces

a. All proposed subdivisions consisting of five (5) or more lots (including any residue parcel) for residential use, that are filed after the effective date of this provision (July 1, 2007) shall include, as a condition for final plan approval, a dedication of land for public recreational use, or the designation of land for private recreational use, or for the payment of a fee in lieu thereof.

b. Any proposed land dedication for public recreational use shall be reviewed by the Municipal Planning Commission, as part of the subdivision approval process. The Municipal Planning Commission shall utilize the following standards as part of their review:

1. The amount of land required to be dedicated in each subdivision shall be based upon the following development densities (dwelling units per acre [d.u./ac.]), provided that the minimum area acceptable for dedication shall be one (1) acre in size:

<u>Density (d.u./ac.)</u>	<u>% of Tract in Open Space</u>
Up to 3	5%
3.1 to 6	10%
6.1 to 10	15%
10.1 to 15	20%
over 15	25%

2. The land to be dedicated must be compatible with the goals, objectives and recommendations of the Township Comprehensive Plan, any Township Open Space, Parks, or Recreation Plan (or similar enactment) that may be in effect at the time, and any other relevant laws, ordinances, or Township resolutions.

3. No more than 20% of the total land area to be so dedicated may be located within the one-hundred-year floodplain area, or have a slope in excess of seven (7%) percent, or any combination thereof. Soil conditions of the remaining land shall be suitable for development and use as a recreation area. The developer may be required to provide appropriate studies or other documentation to establish compliance with these requirements.

4. The dedicated land must be reasonably and safely accessible to the general public, and must have suitable ingress and egress to an existing or proposed public road, in accordance with the design standards of Section 502.13 for driveways.

5. All sites must be complete with all improvements (e.g. storm drainage, sidewalks, curbing, streets, utilities, parking areas, buildings, etc.) prior to acceptance of dedication by the Governing Body. Actual dedication shall be by special warranty deed naming the Township as Grantee, conveying fee simple title, free and clear of liens and encumbrances, with title to be good and marketable.

c. A developer may designate land for private recreational use, limited to the residents of the proposed subdivision on a nondiscriminatory basis. Such designated land shall comply with the standards for land dedicated to public recreational use, as set forth above. Such land shall be restricted by recorded covenant for park and recreational purposes, which covenant shall run with the land in favor of future owners of property in the subdivision, and which cannot be revoked without the express approval of all such property owners and the Township's Governing Body. A property owners' organization, in a form approved by the Governing Body, shall be established to oversee and manage the designated land and its use and improvement.

d. The developer may request to pay to the Township a fee in lieu of providing land for public or private recreational use. The fee is hereby established at the rate of \$1,000.00 per residential lot, or per residential dwelling unit for lots approved for multi-family dwellings, and may be changed from time to time by resolution of the Governing Body. Fees are to be paid upon the conveyance of a lot from the developer to any person or entity, or upon the application for a zoning or building permit from the Township for such lot, whichever first occurs. The Township

Zoning Officer shall not issue any building or zoning permits for any lot to which this provision is applicable, until such fee has been paid to the Township. Any such fees received by the Township shall be deposited in an interest-bearing restricted account, to be used for public recreational purposes within the Township, including the acquisition or improvement of land anywhere within the Township for such purposes, in accordance with the requirements of the Pennsylvania Municipalities Planning Code and any other applicable laws. The Governing Body shall have the right to determine, in its sole discretion, whether to accept such a fee or whether to require the developer to provide land for public or private recreational use as set forth herein.

e. Properties as they exist at the effective date of this provision (July 1, 2007) may be divided into no more than four (4) separate residential lots without providing area for open space or otherwise being subject to the requirements of this section. Any subsequent subdivision of such lots which brings the total number of lots created from any lot existing at the effective date to five or more, are subject to the requirements of this section 509.1.

f. A developer who proposes a subdivision of more than 20 residential lots may provide multiple open space lots for public or private recreational use, provided that each of such lots meets the minimum standards as set forth in this section. A developer may also request to pay a fee in lieu of providing such lots, for part of the required open space, and provide such lot or lots for the remainder of the required open space."

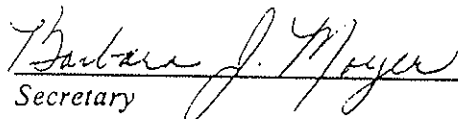
B. Any part of the Wayne Township Subdivision and Land Development Ordinance that is inconsistent with the provisions of this ordinance is hereby repealed, to the extent of such inconsistency; however, such inconsistent provisions shall remain in effect for any subdivisions that were filed prior to the effective date of this ordinance.


C. This Ordinance shall become effective on July 1, 2007.

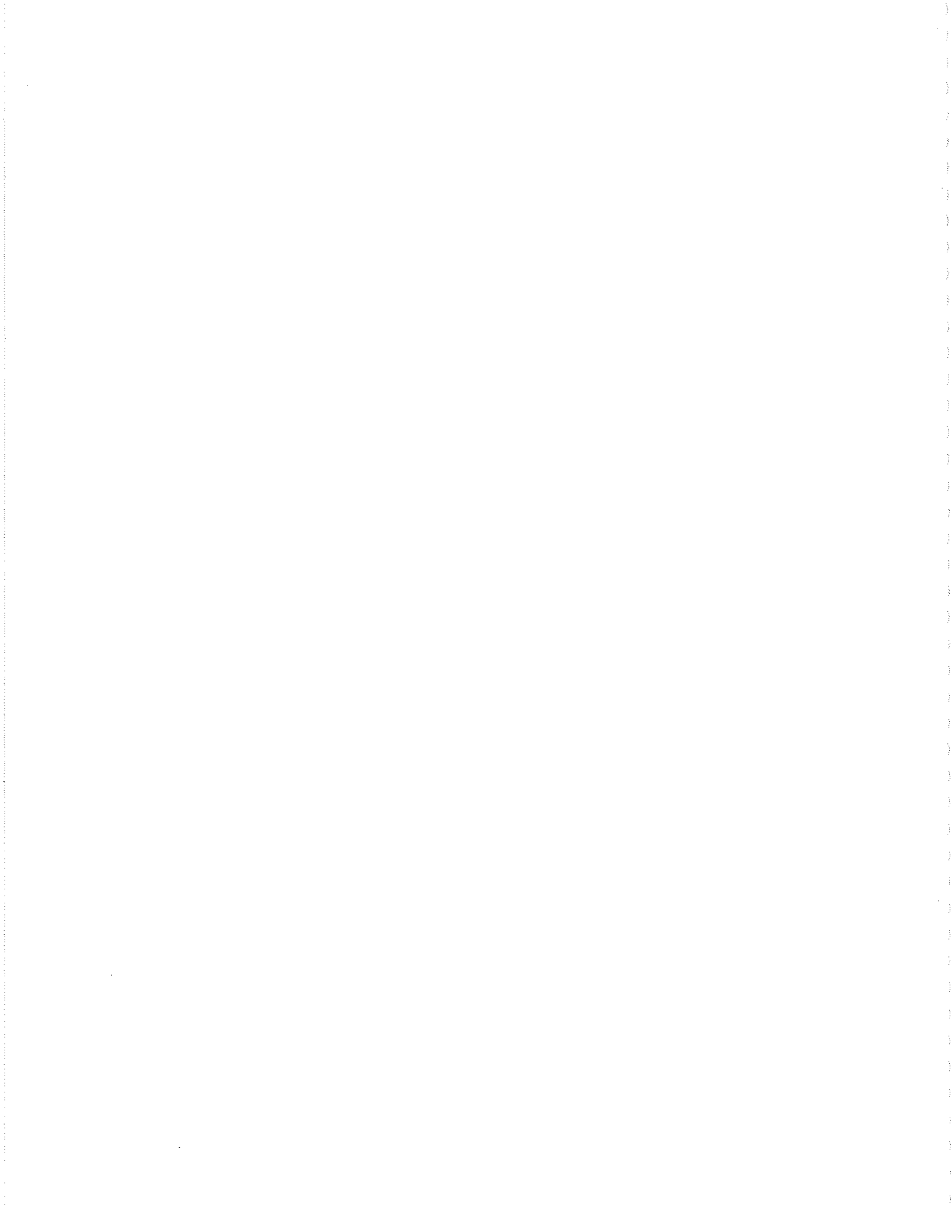
ENACTED AND ORDAINED this 16th day of May, 2007, by the Board of Supervisors of Wayne Township, in lawful session duly assembled.

ATTEST:

*BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WAYNE*


Secretary


Chairman



WAYNE TOWNSHIP RECREATION PLAN

Adopted by the Board of Supervisors of Wayne Township,
Schuylkill County, Pennsylvania, on May 16, 2007

WHEREAS, the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, is concerned that ongoing residential development in the Township will exceed the capacity of existing public and private recreational facilities for the Township's citizens; and

WHEREAS, the Board requested the Township Engineer and Township Solicitor to determine what means are available to provide for increased recreational use of property within the Township; and

WHEREAS, the Township Engineer has prepared a report and the Township Solicitor has prepared an Ordinance which will address some of the issues of concern to the Board, and the Board has relied on such documents in establishing the within plan for future recreational lands and facilities for the Township.

NOW, THEREFORE, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, and other applicable laws, the Board of Supervisors of Wayne Township makes the following findings and conclusions:

1. Wayne Township is a township of the second class under the laws of the Commonwealth of Pennsylvania, and is overwhelmingly rural in nature. It is bounded on the north by the Second Mountain range, which is largely undeveloped forest land, much of which is owned by the Commonwealth of Pennsylvania as state forest or game lands. It is bounded on the south by the Blue Mountain range, which is largely undeveloped forest land, much of which is owned by the Commonwealth of Pennsylvania as state forest or game lands. The adjacent townships to the east and west are similarly rural, in the immediate areas which adjoin Wayne Township.

2. The Township is bisected by one major north-south highway (Route 183) and one major east-west highway (Route 443). A lesser state highway also crosses the township from east to west (Route 895). Commercial and other nonresidential development is concentrated along these highways. There are two established villages in the township, Friedensburg and Summit Station, both of which consist of groups of multi-story homes on small (less than one acre) lots. There is one large private development in the Township, known as Lake Wynonah, which is exclusively residential, and is not accessible to the general public. Other residential development in the township is scattered, and, until recently, has been limited to lots adjacent to existing minor roads. More recent residential development has seen former farms subdivided into building lots, with new streets being constructed for access to the homes within the subdivision. Such growth has been concentrated in the valleys near Route 183, in the central part of the township. It is anticipated that such growth will continue, as many of the small farms in

the township are owned by elderly farmers, with no younger family members prepared to continue the farming operations in the future, and the value of the land for development far exceeds its value as farmland.

3. According to the 2000 Census, Wayne Township has a population of 4,721, with an average household size of 2.57 persons per household. Data from the National Recreation and Parks Association suggests the following Local Park Acreage Standards per 1,000 population:

Community Parks	5 to 8 acres
Neighborhood Parks	1 to 2 acres
Total	6 to 10 acres

4. It is inevitable that the population of the Township will continue to increase, and will likely exceed 5,000 by the time of the 2010 Census. Accordingly, the above standards suggest that the Township should have 36 to 60 acres set aside for recreational purposes by 2010.

5. There are currently hundreds of acres of land available to the public for general recreational purposes, such as hiking and hunting. As noted above, the Commonwealth of Pennsylvania owns much of the northernmost and southernmost mountain and forest land in the Township, all of which is open to the public. Lake Wynonah has two lakes available for boating, fishing and other activities, and other recreational facilities within its boundaries. However, all of Lake Wynonah's land and facilities are restricted to use by residents of the development, and are not accessible to the general public. Other recreational land and facilities are available in the Township (golf course, Boy Scout camp, baseball fields, hunting and fishing camps, etc.) but are located on private land and are not considered public facilities.

6. The only public recreational facilities operated by the Township are a few "tot-lot" playgrounds, which see minimal use by the residents. The Township is a member of the Blue Mountain Recreation Commission, but none of its facilities are located within the township. Residents of the township travel to nearby communities for most recreational activities, particularly youth sports activities such as baseball, softball, soccer, football, and various indoor sports.

7. The nature of development in the township is such that there is little grouping into true "neighborhoods", such as would be conducive to facilities serving a limited number of residents in a small area. Even within existing (and future) subdivisions, many of the residents would be unlikely to utilize facilities located within the subdivision unless they travel even a relatively short distance by motor vehicle. Accordingly, the Board believes that it is not appropriate to encourage or develop recreational facilities that would only serve those who live in the immediate area or the subdivision in which the facility is located. Rather, the Board prefers to encourage or develop centrally located recreational facilities, which are reasonably accessible to all township residents.

8. Security and maintenance are also a legitimate concern of the Board. A large number of small, scattered facilities would be difficult to maintain, and would be more prone to vandalism, loitering and other possible criminal activity. The Township simply does not have

the personnel or resources to maintain and police a large number of scattered parks and playgrounds. A small number of somewhat larger facilities, such as a group of playing fields and/or playgrounds, would be much easier to manage, and would most likely better satisfy the needs of most township residents for recreational facilities.

9. The Township's Subdivision and Land Development Ordinance currently provides for the dedication of public open spaces by developers of residential subdivisions, but this provision has rarely been utilized. It is suggested that the Ordinance be amended to allow public or private recreational uses, or the payment of a fee in lieu of such dedication. Such fees must be used in accordance with the requirements of the Pennsylvania Municipalities Planning Code, which limits their use to the acquisition or provision of recreational facilities serving the properties which paid the fees. However, as explained above, the Board has determined that recreational facilities located anywhere within the Township would serve all township residents equally, and such facilities need not be used exclusively for facilities located within a particular subdivision or in a particular area. Accordingly, such fees are best utilized for recreational facilities for all township residents (including, of course, residents of any subdivision from which such fees were contributed).

10. The provision of private recreational facilities by a developer is to be encouraged. It is imperative, however, that there be a private property owners' association established to own, oversee, and maintain such a private facility. The Township will have no active role in such matters. Such a facility may be restricted to residents of the subdivision in which it is located.

11. The dedication of public recreational facilities by a developer is not to be encouraged (as it would contribute in most instances to the proliferation of small, scattered facilities as discussed above), but will be accepted if done in a meaningful and useful manner. Such public facilities must be just that: public. Their use may not be restricted, and the manner of use will be controlled by the Township.

12. The payment by a developer of fees in lieu of providing land within a particular subdivision would seem to be the best overall method of establishing suitable recreational facilities within the Township. Such fees must be used exclusively for the acquisition, improvement or maintenance of public recreational facilities. The Board of Supervisors would control the disposition of such funds, but, as the amount of funds or the available public facilities increase, the Board may choose to establish a separate Recreation Commission to manage such facilities and oversee the use of such funds.

13. The amount of the "fee-in-lieu" to be paid by developers should be established by the Board of Supervisors from time to time, and should be based upon criteria such as the following:

a. Assuming that the open space requirement that is appropriate for the Township is 10 acres per 1000 residents (see paragraph 3, above), and the household density of the Township is 2.57, or 389 dwellings per 1000 residents (see paragraph 3, above), this calculates to a park and recreation "requirement" of 0.026 acres per dwelling unit. The National Recreation and Parks Association data suggests that park improvements generally equal the value of the

land. This results in the "required" acreage being doubled to 0.052 acres per dwelling unit, in the fee-in-lieu calculation.

b. Raw land values in the area (which generally includes all of rural southern Schuylkill County) have increased significantly in recent years, and currently range between \$12,000 and \$15,000 per acre. Values for land that is already developed can exceed \$40,000 per acre.

c. Using the values for undeveloped and developed land, the following fee-in-lieu calculations are obtained:

\$15,000 price per acre X 0.052 acres per acre for recreation use = \$ 780

\$40,000 price per acre X 0.052 acres per acre for recreation use = \$2,080

d. The Board of Supervisors chooses a figure of \$1,000 per lot as an appropriate initial figure for the fee-in-lieu payment. Note that this figure is a payment per lot, rather than per acre. Since most residential lots are larger than one acre (and may not be less than one acre to accommodate on-site well and septic requirements), the effective rate per acre will be somewhat less than \$1,000, and will vary, depending on the specifics for a particular subdivision. Thus the fee-in-lieu figure is close to the recommended figure for undeveloped land.

e. The fee-in-lieu should be collected from the developer at the time each lot is sold, or when application is made for a zoning or building permit, whichever first occurs.

14. The fee-in-lieu or open space requirements should not apply to small subdivisions. Any lot that is deemed a single parcel (i.e., a lot that may be conveyed without subdivision approval) as of the effective date of this requirement may be subdivided into four or fewer lots (including any residue parcel) without having to comply with the requirements for open space or fee-in-lieu. However, any subsequent subdivisions of part or all of the same parcel which bring the total number of lots (within the original single parcel) to five or more, shall be obligated to meet the fee-in-lieu or open space requirements, for such subsequent subdivision only.

15. The Board of Supervisors should do the following to implement this Recreation Plan:

a. Enact an appropriate ordinance, amending the Wayne Township Subdivision and Land Development Ordinance, to provide for open space requirements and fee-in-lieu options for future residential subdivisions.

b. Determine whether and when to establish a Recreation Commission, and, if so, determine the Commission's membership, duties and responsibilities.

c. Determine the type of recreational activities that are appropriate for the Township and its residents, and where to locate appropriate facilities for such activities.

d. Take whatever steps are necessary to acquire and develop land for such facilities.

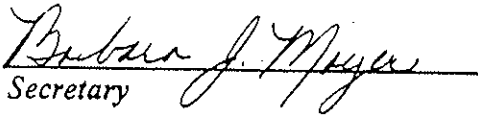
e. Determine how such facilities will be managed, secured and maintained.

16. This Recreation Plan should be reviewed at least once every five years, and changed or amended as deemed necessary.

This Recreation Plan has been adopted this 16th day of May, 2007, by Resolution of the Board of Supervisors of Wayne Township, in lawful session duly assembled.

ATTEST:

*BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WAYNE*


Secretary


Chairman

