

SUBDIVISION AND LAND DEVELOPMENT

ORDINANCES

LOWER ALLEN TOWNSHIP

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- Art. 1165. Definitions.
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ARTICLE 1161

General Provisions

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1161.05	Interpretation.		

1161.01 SHORT TITLE

This Ordinance shall be known and may be cited as "The Lower Allen Township Subdivision and Land Development Ordinance."

1161.02
PURPOSE

The Lower Allen Township Subdivision and Land Development Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within the Township of Lower Allen. The purpose of such regulation is to provide for the harmonious development of the municipality and county by:

- (a) Assuring that sites are suitable for building purposes and human habitation;
- (b) Coordinating proposed streets and other proposed public improvements with those existing;
- (c) Assuring that adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements;
- (d) Assuring equitable and uniform handling of subdivision and land development plat applications;
- (e) Assuring coordination of intro-municipal and intermunicipal public improvement plans and programs;

General Provisions

- (f) Assuring the efficient and orderly extension of community facilities and services at minimum cost and maximum convenience;
- (g) Regulating the subdivision and land development of land within any flood hazard area or flood plain district in order to promote the health, safety and welfare of the citizens of the municipality;
- (h) Requiring that each lot in flood prone areas includes a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to minimize flood damage;
- (i) Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses;
- (j) Guiding the future growth and development of the Township in accordance with, the adopted comprehensive plan;
- (k) Assuring that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created;
- (l) Assuring the greater health, safety, convenience and welfare of the citizens of the municipality; and
- (m) Encouraging the use of renewable energy systems and energy-conserving building design.

1161.03 AUTHORITY TO REVIEW AND APPROVE

- (a) The Board of Commissioners shall have the authority to approve or disapprove all preliminary and final subdivision or land development plat applications as required herein.
- (b) The Township Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and land development plat applications as required herein.
- (c) Preliminary and Final Subdivision and Land Development plat applications within the Township shall be forwarded upon receipt by the Codes Administrator to the Cumberland County Planning Commission for review and report. The Board of Commissioners shall not approve such applications until the county review report is received or until the expiration of forty-five (45) days from the date the application was forwarded to the Cumberland County Planning Commission. As evidence of their review and report, officials of the Cumberland County Planning Commission will sign final plats which have been formally approved by the Township before such plats are presented for recording.

1161.04 APPLICATION OF REGULATIONS

(a) No subdivision or land development of any lot, tract, or parcel of land located in Lower Allen Township shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a Final Subdivision or land Development Plat has been approved by the Board of Commissioners and publicly recorded in the manner prescribed herein; not otherwise in strict accordance with the provisions of the Lower Allen Township Subdivision and Land Development Ordinance.

(b) No lot or unit in a subdivision or land development may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plat has been approved by the Board of Commissioners and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.

(c) Unit or condominium subdivision or land development real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of Preliminary and Final Plats, payment of established fees and charges, location of each structure and clear definition of each unit, public easements, common areas, improvements, and all easements appurtenant to each unit. In addition to the required submissions, a preliminary declaration plan shall be submitted for approval by the Township. When the project is completed, a copy of the declaration plan shall be filed with the Township.

(d) All subdivision and land development plats are subject to all zoning regulations.

1161.05 INTERPRETATION

In any case where a provision of the Lower Allen Township Subdivision and Land Development Ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of the Lower Allen Township Subdivision and Land Development ordinance is found to be in conflict with the provision of another ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of the Lower Allen Township Subdivision and Land Development Ordinance shall be deemed to prevail.

1161.06 AMENDMENTS

Amendments to this Subdivision and Land Development Ordinance shall be come effective only after a public hearing held pursuant to public notice as defined in Article 1165 and in accordance with the "Pennsylvania Municipalities Planning Code" of 1968 as amended, Act. 247, Article V, Section 505.

1161.07 SEVERABILITY

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of these regulations.

1161.08 CONTINUITY

The provisions of this Subdivision and Land Development Ordinance, so far as they are the same as those ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

1161.09 MUNICIPAL LIABILITY

The grant of a permit, or approval of a subdivision or land development plan in the identified flood-prone areas or mudslide-prone areas shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official employee or appointee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, employees, or appointees.

ARTICLE 1165

Definitions

CROSS REFERENCES

Definitions - see Municipalities
 Planning Code §107 (53 P.S. §10107)

Zoning definitions - see P. & Z. Art. 1101

Mobile home parks definitions - see P. & Z. 1185.01

1165.01 DEFINITIONS

(a) The following words and phrases, as used in the Lower Allen Township Subdivision and Land Development Ordinance, *shall* have the meaning hereby ascribed thereto, unless the context clearly indicates a different meaning.

- (1) "Apartment" means a building occupied by three or more dwelling units.
- (2) "Apartment, high-rise" means a multi-family dwelling structure, more than three stories in height, comprised of single-family dwellings units and services with a vertical means of transportation.
- (3) "Applicant" means a landowner or developer as hereinafter defined, who has filed an application for the subdivision of land or land development of a tract of land, including his heirs, successors and assigns. (See also Developer and Subdivider),
- (4) "Application for development" means every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development *plan*. (Ord. 90-5 Passed 5-14-90)
- (5) "Average Daily Traffic Volume" means the total traffic during a number of whole days divided by the number of days in that period.

- (6) "Block" means an area bounded by streets.
- (7) "Board or Board of Commissioners" means the Board of Commissioners of the Township of Lower Allen.
- (8) "Building" means any structure intended for the shelter, housing or enclosure of a person, animal or chattel, having a roof supported by columns or walls, including but not limited to covered porches, bay windows, chimneys, and all mobile homes and trailers used for human habitation.
- (9) "Building line" means a line parallel to the front, side or rear lot line set so as to provide the required yards.
- (10) "Building setback line" or "setback" means the line within a property defining the required minimum distance between any structure and the adjacent right of way, and the line defining side and rear yards, where required.
- (11) "Cartway" or "roadway" means that portion of a street which is improved, designated or intended for vehicular use.
- (12) "Chairman" means the Chairman of the Lower Allen Township Planning Commission.
- (13) "Clear-sight triangle" means an arc of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.
- (14) "Commission" means the Lower Allen Township Planning Commission.
- (15) "Commission staff" means the Lower Allen Township Engineer or other personnel retained by the Planning Commission, with the consent of the Board.
- (16) "Common elements" means and includes:
 - A. The land on which the building is located and portions of the building which are not included in a unit;
 - B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building.

- C. The yards, parking area and driveways;
 - D. Portion of the land and building used exclusively for the management, operation or maintenance of the common elements;
 - E. Installations of all central services and utilities;
 - F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
 - G. Such other facilities as are designated as common elements.
- (17) "Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents. (Ord. 90-5 Passed 5-14-9C)
- (18) "Condominium" means ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and al). other related common easements, together with individual ownership in a fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.
- (19) "Cooperative" means ownership in common with others of a parcel of land or of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices or other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

- (20) "Cross-Walk" means a right of way, publicly or privately owned, intended to furnish access for pedestrians.
- (21) "Cul-de-sac" means a street intersecting another street at one end and terminating at the other in a vehicle turn-around.
- (22) "Culvert" means a drain, pipe, or conduit not incorporated in a closed system, that carries drainage water under a driveway, street, railroad, pedestrian walk or public way.
- (23) "Curb" means a concrete boundary usually marking the edge of a roadway or paved area.
- (24) "Curb cut" means the opening along the curb line at which point vehicles may enter or leave the street.
- (25) "Cut" means an excavation; the difference between a point on the original ground and designated point of **lower elevation on** the final grade. Also, the material removed in excavation.
- (26) "Designated Flood Plain Districts" means those Flood Plain Districts specifically designated in Article 1101 of the Codified Ordinances, as being inundated primarily by the 100 year flood, which areas are identified as the Floodway-District (FW), the Flood Fringe District (FF), and the General Flood Plain Conservation District (FA).
- (27) "Declaration plan" means a survey for a condominium which shows the property, the location of a building thereon, the building and the layout of the floors of the building including the units and the common elements, and sets forth the name by which the property will be known and the unit designation for each unit therein. The plan shall be prepared in accordance with the Pennsylvania Unit Property Act and shall bear the verified statement of a registered architect or licensed professional engineer.
- (28) "Developer" means any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or land development. (see also applicant and subdivider)

- (29) "Development" means any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land or land development.
- (30) "Development plan" means the provisions for development including a planned residential development, a plat of *subdivision, all* covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Subdivision and Land Development Ordinance shall mean the written and graphic materials referred to in this definition. (Ord. 90-5 Passed 5-14-90)
- (31) "Drainage" means (1) surface runoff; (2) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.
- (32) "Drainage facility" means any ditch, gutter, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying waters off streets, public rights of way, parks, recreational areas or any part of any subdivision, land development, or contiguous land areas.
- (33) "Drainage system" means pipes, swales, natural features or man-made improvements designed to carry drainage.
- (34) "Driveway" means a way of access between the cartway of a street and a parking area or garage within a lot or property.
- (35) "Dwelling" means a building or structure designed for living quarters for one or more persons or families.
- (36) "Dwelling unit" means one or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family or a single person.

- (37) "Easement, utility" means a right of way granted for the limited use of land for public or quasi-public purposes.
- (38) "Engineer" means a professional engineer licensed as such in Pennsylvania, duly appointed as the engineer for the Township and Planning Commission.
- (39) "Engineering specifications" means the Engineering Specifications of Lower Allen Township regulating the installation of any required improvements or for any facility installed by any applicant.
- (40) "Erosion" means the removal of surface materials by the action of natural elements.
- (41) "Excavation" means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.
- (42) "Existing grade" means the vertical location of the ground surface prior to excavation or filling.
- (43) "Family" means one or more persons related by blood, marriage or adoption, or a group of not more than five persons excluding servants, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit and using common cooking facilities but not occupants of a boarding house, club, hotel or fraternity.
- (44) "Fill" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.
- (45) "Finished grade" means the proposed elevation of the land surface of a site after completion of all site preparation work.

- (46) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual or rapid accumulation or runoff of surface waters from any source.
- (47) "Flood-fringe" or "FF" means that portion of the flood plain outside the floodway in which detailed study data and water surface profile have been provided by Flood Insurance Study.
- (48) "Flood plain" or "flood-prone area" means:
- A. A relatively flat or low land area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation;
 - B. An area susceptible to being inundated by water from any source.
- (49) "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to buildings or structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or buildings and their contents.
- (50) "Floodway" or "FF" or "regulatory floodway"-or "RFW" means the channel of a river or other watercourse and the adjacent land areas reasonably required to carry and discharge the 100 year flood without increasing the water surface elevation at any point more than one foot above the existing conditions as demonstrated in the Flood Insurance Study.
- (51) "Future right of way" means:
- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads or to comply with the provisions of this Ordinance.
 - B. A right of way established to provide future access to or through undeveloped land.
- (52) "Governing Body" means the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania.

- (53) "Half street" or "partial street" means a street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than required for improvement and used as a street in accordance with the Lower Allen Township Subdivision and Land Development Ordinance.
- (54) "Improved public street" means any street for which the Township, County or Commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.
- (55) "Improvements" means those physical additions, installations, and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, telephone service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and street shade trees.
- (56) "Interior walk" means a right of way for pedestrian use extending from a street into a block or across a block to another street.
- (57) "Land development" means any of the following activities:
- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential 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
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - B. A subdivision of land.
 - C. "Land Development" does not include development which involves:

- (1) The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
 - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building. (Ord. 90-5 Passed 5-14-90)
- (58) "Landowner" means 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 condition), a lessee if he is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land. (Ord. 90-5 passed 5-14-90)
- (59) "Lot" means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- A. "Double frontage lot" means a lot which abuts a street on two or more opposing or nonadjacent sides.
 - B. "Reverse frontage lot" means a lot extending between, and having frontage on, an arterial street and minor street, and with vehicular access solely from the latter.. (Ord. 90-5 Passed 5-14-90)
- (60) "Lot area" means the area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.
- (61) "Manager" means the Lower Allen Township Manager appointed by the Board of Commissioners.
- (62) "Minor subdivision" means the subdivision of a single lot, tract or parcel of land into two lots, tracts, or parcels of land, for the purpose, whether immediate or future of transfer of ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further that there is not created by the subdivision any new street, street easements, easements or access or need therefor.

- (63) "Mobilehome" means a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days. It also includes manufactured homes. (Ord. 90-5 Passed 5-14-90)
- (64) "Mobilehome lot," means a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. (Ord. 90-5 Passed 5-14-90)
- (65) "Mobilehome park," means a parcel of contiguous parcels of land which has been so designated and improved that it contains two or more mobilhome lots for the placement thereon of mobilehomes. (Ord. 90-5 Passed 5-14-90)
- (66) "Mudslide" means a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on or under the ground preceded by a period of unusually heavy or sustained rain.
- (67) "Mudslide-prone area" mean:, an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudslide.
- (68) "Municipal authority" means Lower Allen Township Authority, the municipal authority of the Township of Lower Allen.
- (69) "Municipality" means the Township of Lower Allen, Cumberland County, Pennsylvania.
- (70) "Municipality, local" means a city, borough or township.
- (71) "100 year flood" means the highest level of flooding that on the average, is likely to occur once every 100 years within the Township, i.e., that has a one percent change or occurring each year, although the flood may occur in any year. It shall also mean "base flood" or "area of special flood hazard" or "regulatory flood".

- (72) "Open space" means the unoccupied space open to the sky on the same lot with the building.
- (73) "Owner" means any person having any title or interest whatsoever- in any land development or subdivision as **defined** in this Article.
- (74) "Park Board" means Lower Allen Township Recreation and Park Board.
- (75) "Person" means any individual or group of individuals, partnership or corporation.
- (76) "Plan, official" means the Comprehensive Plan and/or Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant: to statute, for the area of the Municipality in which the subdivision is located.
- (77) "Plan, sketch" means an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed :subdivision.
- (78) "Planned residential development" means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Subdivision and Land Development Ordinance.. (Ord. 90-5 Passed 5-14-90)
- (79) "Planning Commission" means Lower Allen Township Planning Commission.
- (80) "Planning Commission staff" see Commission Staff.
- (81) "Plat" means the map or plan of a subdivision or land development, whether preliminary or final.
- (82) "Principal building or principal use" means the basic purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, manufacturing or public in nature.

- (83) "Private street" means a street other than a public street, which provides pedestrian and vehicular access to one or more lots and constructed to the design standards contained in this Ordinance.
- (84) "Profile line" means the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.
- (85) "Public" means owned, operated or controlled by a government agency, whether federal, state or local, and including any corporation created by law for the performance of certain specialized governmental functions, and any Public School District.
- (86) "Public grounds" includes:
- A. **parks, playgrounds, trails, paths** and other recreational areas and other public areas;
 - B. sites for schools, ;sewage treatment, refuse disposal and other publicly owned or operated facilities; and
 - C. publicly owned or operated scenic and historic areas. (Ord. 90-5 Passed 5-14-90)
- (86)A "Public Hearing" means a formal meeting** held pursuant to public notice by the Board of Commissioners or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance. (Ord. 90-5 Passed 5-14-90)
- (86)B "Public Meeting" means a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), *known as* the "Sunshine Act." (Ord. 90-5 Passed 5-14-90)
- (87) "Public notice" means notice published once each 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 not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. (Ord. 90-5 Passed 5-14-90)
- (88) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle, (including camper trailer, motor home, travel trailer and truck camper); and a body width of no more than eight feet and a body length of no more than thirty-five feet

when designed for the road, whether licensed or not licensed.

- (89) "Recreational vehicle park or camp ground" means a parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, or recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development".
- (90) "Recreational vehicle park or camp ground lot" means a parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters for recreational, camping or travel use, together with such open space as is required under the provisions of this Subdivision and. Land Development Ordinance having not less than the minimum, area and width required by this Ordinance for a recreational vehicle park or camp ground lot (see Section 1177.04(c)(4), (5)).
- (91) "Regulatory flood elevation" means the 100 year flood elevation based upon information contained in the Flood Insurance Study plus a freeboard safety factor of one and one-half feet. Unless other data exists, within the General Flood Plain Conservation District the regulatory flood elevation shall be established at a point in^ the boundaries of the General Flood Plain Conservation District which is nearest to the construction site.
- (92) "Reserve strip" means a narrow parcel of ground separating a street from other adjacent properties.
- (93) "Resident property owner" means any individual maintaining a voting address in the Municipality, within 1,000 feet of the proposed subdivision, owning real estate in his own or joint names. A tenancy in common or any other means of joint ownership shall be considered as an individual. However, the signature of any single joint owner shall be considered as binding the others.
- (94) "Resubdivision" means any subdivision or transfer of land, laid out on a plan which has been approved by the Board of Commissioners which changes or proposes to change property lines or a public right of way not in strict accordance with approved plan.
- (95) "Right of way, street" means a public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, however designated.

- (96) "Runoff" means the surface water discharge or rate of discharge of a given watershed after a fall or rain or snow that does not enter the soil but runs off the surface of the land.
- (97) "Sedimentation" means the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited or remains suspended in water, it is usually referred to as "sediment".
- (98) "Septic system" means an underground system with a septic tank used for the decomposition of domestic wastes.
- (99) "Septic tank" means a watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and final disposal.
- (100) "Setback:" or "building setback line" means the line within a property defining the required minimum distance between any enclosed structure and the ultimate adjacent right of way, and the line defining side and rear yards where required.
- (101) "Sewage disposal system, on-site" means any structure designed to eliminate sanitary sewage within the boundaries of the lot.
- (102) "Sewage disposal system, public" means a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.
- (103) "Sight distance" means the 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.
- (104) "Slope" means the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
- (105) "Soil percolation test" means a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

- (106)"Soil stabilization" means chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.
- (107)"Staff" means the Commission Staff of the Lower Allen Township Planning Commission.
- (108)"Street" means a public or private right of way which affords primarily vehicular or pedestrian access to abutting properties, including street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, or however designated.
- A. "Arterial street" means a street with fast or heavy traffic volumes of considerable continuity and provides the principal means of traffic circulation, between areas within the Township or important areas in adjoining municipalities.
 - B. "Collector street" means a street which carries traffic from minor streets to arterial streets and limited access highways including the principal entrance streets of a residential development, and streets for circulation within such a development.
 - C. "Country Lane" means a street that serves those rural areas of the Township that because of topography, drainage, sanitary sewer consideration, and the nature of the existing land use, it is desirable to maintain the nature of the existing rural character while maintaining a wide right-of-way to accommodate future street improvements when they become necessary.
 - D. "Limited access highway" means a major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.
 - E. "Minor street" means a street used or intended to provide direct access to abutting properties.
- (109)"Street shoulders" means the portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

- (110)"Street width" means a distance between street right-of-way lines measured at right angles to the center line of the street.
- (111)"Structure" means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- (112)"Subdivider" means the owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or land development under the terms of this Ordinance. (See also Applicant and Developer)
- (113)"Subdivision" means 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, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (Ord. 90-5 Passed 5-14-90)
- (114)"Substantially completed" means where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 1173.06(c)) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. (Ord. 90-5 Passed 5-14-90)
- (115)"Surface drainage plan" means a plan showing all present and proposed grades and facilities for storm water drainage.
- (116)"Surveyor" means a professional land surveyor registered and licensed by the Commonwealth of Pennsylvania to engage in the practice of land survey.
- (117)"Swale" means a low lying stretch of land characterizes. as a depression used to carry surface water runoff.
- (118)"Tile disposal field" means a system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.
- (119)"Top soil" means surface soils and subsurface soils which presumably are fertile soil and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A. Horizon".

(120)"Township" means the Township of Lower Allen, Cumberland County, Pennsylvania, the Board of Commissioners, its agents or authorized representative.

(121)"Undeveloped land" means any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

(122)"Unit" when applied to a condominium means a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a street or way, or to a common element or common elements leading to a street or way or to an easement or right of way leading to a street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

(123)"Utility", "Public", or "Private" means (A) any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection or other similar service, (B) a closely regulated private enterprise with an exclusive franchise for providing a public service.

(124)"Vehicle trip" means a singular or one direction vehicle movement with either the origin or destination- (entering or exiting) inside the study area.

(125)"Water facility" means any water works, water supply works, water storage tanks distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

(125)A "Water survey" means an inventory of the source, quantity, yield and use of groundwater and surface water resources within Lower Allen Township. (Ord. 90-5 Passed 5-14-90)

(126)"Watercourse" means a stream of water, rive, brook, creek, or a channel or ditch for water whether natural or man-made.

(127)"Subdivision and Land Development Ordinance" or "Ordinance" as used in Title Three of this Part Eleven- Planning and Zoning Code means Ordinance 85-10.

(b) Words expressed in the plural include their singular meaning. The present tense shall include the future. Words used in the masculine gender shall include the feminine and neuter. The words "shall" and "will" are mandatory. The words "should" or "may" are permissible.

22 Administration and Enforcement 1169-01

ARTICLE 1169

Administration and Enforcement

1169.01 Administration; Enforcement; 1169.05 Modifications. Remedies.
Permit issuance. 1169.06 Preventive 1169.02 Filing Fees.

1169.03 Review Fees. 1169.99 Enforcement 1169.04 Other Fees.
Remedies.

CROSS REFERENCES

Penalty - see Municipalities Planning Code §515 (53 P.S. §10sis)

Zoning Permit see P. & Z. 1103.03

Mobile home park permit and fee - see P. & Z. 1185.02(3)

1169.01 ADMINISTRATION; ENFORCEMENT; PERMIT ISSUANCE.

(a) The Board of Commissioners, on the recommendations of the Planning Commission, shall have the duty and authority for the administration and general enforcement of the provisions of this Subdivision and Land Development Ordinance, as specified or implied herein. The Zoning officer shall have the duty and authority for controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other ordinances of the Township.

(b) Permits required by the Township, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of the land, shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision or land development plat approved and publicly recorded in accordance with the provisions of this Ordinance. Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.

(c) The Zoning Officer shall require that the Sewer Module and applications for sewage disposal system permits contain all the information necessary to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, the "Rules and Regulations of the Pennsylvania Department of Environmental Resources" and the provisions of any other applicable ordinance of this Township.

(d) The approval of a subdivision or land development plat or of any improvement installed, or the granting of a permit for the use of land or erection of a structure thereon, shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement,

property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

1169.02 FILING FEES.

At the time of filing, all Plats shall be accompanied by a check payable to the Township, in the amount specified herein, to

defray the cost of reviewing the proposed Plats and required data.

(a) The fee for filing a Preliminary Subdivision Plat and a Final Subdivision Plat shall be established by Resolution of the Board of Commissioners.

(b) The fee for filing a Preliminary Land Development Plat and a Final Land Development Plat shall be established by Resolution of the Board of Commissioners.

1169.03 REVIEW FEES.

(a) Review fees shall include the reasonable and necessary charges by Township's professional consultants or Township Engineer for review and report thereon to the Township. Such review fee shall be based upon a schedule established by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar services in the Township; but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on the Applicant.

(1) In the event the Applicant disputes the amount of any such review fees, the Applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the Applicant's request over disputed fees.

(2) If, within twenty (20) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are

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reasonable and necessary, then the Applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the Township and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such Engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer.

(b) At the time of filing of a Preliminary Plat, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of the Engineer or consultant to the Township for all matters relating to review, comments and recommendations with respect thereto, including but not limited to meetings with Applicant or Applicant's consultants and site inspection.

(c) At the time of filing of a Final Plat, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of the Engineer or consultant to the Township for all matters relating to review comments and recommendations with respect thereto, including but not limited to meetings with Applicant or Applicant's consultants, site inspection, and preparing or reviewing cost estimates of improvements required

under Article 1181 or otherwise.

(d) On or before the date on which the Final Plat is to be considered by the Board of Commissioners, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of the Engineer or consultant to the Township relating to review, comment, and recommendations with respect to the final Plat, site inspection, attendance at meetings with Applicant, Consultant, or contractor or sub-contractor, inspecting required improvements during construction, final inspection on completion of installation or required improvements, and other engineering verification required by the Ordinance.

(e) If the aforesaid deposits are insufficient to cover the charges of the Engineer or consultant to the Township for the aforesaid service rendered or any other engineering or consulting services rendered relating to the Plat, Township shall bill Applicant for such deficiency. Applicant shall pay Township the amount of such bill. If the aforesaid deposits exceed said charges of the Engineer or consultant to the Township, the balance remaining shall be refunded to the Applicant without interest after final release by the Board of Commissioners of any, security posted with respect to maintenance or repair of the improvements, required by Article 1181.

(f) Failure of the Applicant to make any required deposit or to pay any bill submitted under or within the time specified in this Section 1169.03 shall be a reason for disapproval of the Plat or revocation of any building or zoning permit issued to Applicant or Applicant's heirs, successors, or assigns, except in the event of a dispute with respect thereto as set forth in Section 1169.03(a). (Ord. 90-5 Passed 5-14-90)

1169.04 OTHER FEES.

(a) Fees for all other permits required for or by the Township or Lower Allen Township Authority for opening roads, connecting to sanitary sewer, building, zoning, etc. shall be paid by cash or a check to the Township.

(b) At the time of filing of a Final Plat, Applicant shall deposit with the Township an estimated amount to cover the costs of advertising any ordinance accepting dedication of applicable required improvements and to cover the costs of recording the

ordinance and any deed of dedication, easement and right-of-way with respect thereof. If the aforesaid deposit is insufficient to cover such costs, Township shall bill Applicant for such

deficiency. Applicant shall pay Township the amount of such

bill. If the aforesaid deposit exceeds the costs of advertising and recording, the balance remaining shall be refunded to

Applicant without interest after final release by Board of Commissioners of any security posted with respect to maintenance or repair of the improvements required by Article 1181.

(c) At or before the date on which the Final Plat is to be considered by the Board of Commissioners, Applicant shall deposit with the Township an estimated amount determined by the Board of Commissioners sufficient to cover the costs of any eminent domain proceedings which may be instituted by the Township for the installation of any off-site improvements required under Article 1181, including but not limited to filing fees-, engineering,

surveys, appraisals, expert witnesses, discovery, court costs, condemnee damages, attorney's fees. If the aforesaid deposit is insufficient to cover said costs, Township shall bill Applicant

for such deficiency. Applicant shall pay Township the amount of such bill. If the aforesaid deposit exceeds such costs, the

balance remaining shall be refunded to Applicant without interest after such proceedings shall become final.

(d) Failure of the Applicant to make any required deposit or to pay any bill submitted under or within the time specified

in this Section 1169.04 shall be a reason for disapproval of the Final Plat or revocation of any building or zoning permit issued to Applicant, or Applicant's heirs, successors, or assigns.

1169.05 MODIFICATIONS.

(a) The Board of Commissioners may grant a modification of iA the requirements of one or more provisions of these regulations

if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided

such modification will not be contrary to the public interest and that the purpose and intent of these regulations is observed.

(b) An application for a modification shall be submitted in writing by the Applicant at the time the preliminary plat is filed. The Application shall state fully the grounds and all the facts relied upon by the Applicant. The application for

modification may be referred to the Planning Commission for advisory comments.

(c) In subdivisions where lots are created for the purpose of seasonal occupancy (for use on weekends, vacations, or for hunting or fishing), the requirements of these regulations concerning the width and construction of cartways, curbs or sidewalks, and the requirements of plat specifications and procedures may be modified or waived, subject to the following conditions:

(1) The lot area shall be one acre or larger, and
(2) Facilities for water supply and sewage disposal shall be approved by the Pennsylvania Department of Environmental Resources and be acceptable to the Board of Commissioners and to the Planning Commission.

(d) In granting any modification the Board of Commissioners shall record its action and the grounds for granting any modification to the Applicant applying for the modification.

(e) Whenever a request for a modification is denied, the Board of Commissioners shall record its action and the grounds

for such denial in its minutes. The Board of Commissioners shall transmit a copy of its action and the grounds for such denial of any modification to the Applicant applying for the modification. (Ord. 90-5 Passed 5-14-90).

1169.06 PREVENTIVE REMEDIES.

(a) In addition to other remedies, the Township 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.

(b) The Township 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 these regulations. This authority to deny such a permit or approval shall apply to any of the following Applicants:

(1) The owner of record at the time of such violation.

(2) 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.

(3) 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.

(4) 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.

(c) 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 development of any such real property, the Township 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. (Ord. 90-5 Passed 5-14-90)

1169.99 ENFORCEMENT REMEDIES.

(a) Any person, partnership or corporation who or which has violated the provisions of these regulations shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township 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 these regulations 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.

(b) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per them judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(d) The District Justice shall have initial jurisdiction in proceedings brought under this Section. (Ord. 90-5 Passed 5-14-90)

ARTICLE 1173

Plat Requirements and Processing Procedures

1173.01 General Statement. 1173.05 Preliminary Plats:

1173.02' Sketch Plans : Specifications. 1173.03 Minor Subdivision 1173.06 Final Plats: Application. Procedure.

1173.04 Preliminary Plats: Procedure. 1173.07 Final Plat: Specifications.

CROSS REFERENCES

Approval of plats - see Municipalities Planning Code §508 (53 P.S. 510508)

Recording plat - see Municipalities Planning Code §513 (53 P.S. §10513)

1173.01 GENERAL STATEMENT.

Whenever a subdivision or land development is desired to be effected in the Township, a Preliminary Plat and a Final Plat of the layout of such proposal shall be prepared, filed, and processed with the Planning Commission and Board of Commissioners in compliance with the requirements of this Ordinance.

1173.02 SKETCH PLANS.

(a) Prior to the filing of a Preliminary Plat for subdivision or land development for review and approval, the Applicant is encouraged to submit a Sketch Plan to the Planning Commission for advice on the requirements necessary to achieve conformity with the standards of this and other applicable municipal ordinances, as well as to alert the Applicant to other factors which must be considered in the design of the subdivision or land development.

(b) The plan shall be clearly labeled "SKETCH PLAN" and should include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located. It is recommended that Sketch Plan submissions include a map covering sufficient area to establish the location of the site and an informal plan of any existing or proposed streets, buildings, lot arrangement, utilities, significant natural features and other elements within the subdivision or land development including topographic contours.

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- (c) Prior to the preparation of any plan, the Applicant should consult the Cumberland County Conservation District representative concerning the preparation of plans for erosion and sedimentation control.
- (d) The Applicant shall determine the availability of public sewage and public water to the development site.
- (1) If the site is located within an area planned for or currently receiving public sewer and/or water services, the Applicant shall consult with Lower Allen Township Authority and/or appropriate water Utility.
- (2) If on-site systems are applicable, soil suitability testing shall be required and verified by the Township Sewage Enforcement Officer.
- (e) At this stage, the Applicant shall determine whether or not the site is located in any of the Designated Flood Plain Districts, subject to the provisions of Section 1131.05 of the Codified Ordinances.
- (f) If it is known that the parcels being created will be used for development requiring a Special Permit, or for development that is considered dangerous to human life, prospective applicant should check the provisions contained in the Zoning Ordinance and Building Code, which pertain specifically to those kinds of development.

1173.03 MINOR SUBDIVISION APPLICATION.

Where one (1) lot is proposed to be subdivided from a tract

of land or where land is being transferred to be combined with an adjacent lot or tract of land, the Board of Commissioners, in response to a written request by the Applicant, may waive the submission of a Preliminary Plat provided such proposal involves a Minor Subdivision. In such case the Applicant shall submit a Final Plat which shall comply with the requirements of Sections 1173.06 and 1173.07. In addition, the Board of Commissioners may require anyone or more of the requirements for a Preliminary Plan set forth in Section 1173.05.

1173.04 PRELIMINARY PLAT: PROCEDURE.

- (a) The applicant, at least thirty (30) days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Zoning Officer, twenty (20) copies of a Preliminary Plat containing the data required under Section 1173-05(a) and six (6) copies of plans, maps, reports, and information required by Section 1173.05(b) to and including Section 1173.05(g), "PRELIMINARY PLATS: SPECIFICATIONS".

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(b) Upon the filing of a Preliminary Plat as determined

above, the Zoning Officer shall forward a copy of the Preliminary Plat to the following for appropriate review, comment, and approval, where required by law:

- (1) Township Engineer for engineering review.
- (2) Lower Allen Township Authority for review of proposed sewer service.
- (3) Tri-County Regional Planning Commission. (4) Cumberland County Planning Commission. (5) All affected public utilities. (6) Planning Commission.
- (7) Where recreation is involved, the Township Recreation Board.
- (8) Where water line extensions or fire hydrants are involved, to the fire department or volunteer fire company.
- (9) Such other agencies as deemed necessary by the Zoning Officer.

(c) The Planning Commission shall render a decision on the Preliminary Plat within sixty (60) days after the Plat filing

date or within such lesser period of time as may be necessary to enable the Board of Commissioners to render a timely decision and submit copies of the Plat documents and their recommendation to the Board of Commissioners for action.

(d) The Board of Commissioners shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed,

provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, A the said ninety (90) day period shall-be measured from the

thirtieth. (30th) day following the day the application has been filed.

(1) The decision of the Board of Commissioners shall be writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

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(2) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements, which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(3) Failure of the Board of Commissioners to render a decision and communicate it to the Applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

(4) When an application for approval of a Preliminary Plat has been approved subject to conditions, the Applicant must accept each and every condition in writing. If the Applicant does not accept or reject each and every condition within three (3) calendar days after the decision is communicated personally to him or mailed to him at his last known address, approval subject to condition of the Preliminary Plat shall be rescinded automatically. Such automatic rescission shall be deemed a rejection and applicant shall be so notified at the time of the notification of the approval subject to condition. (Ord. 90-5 Passed 5-14-90)

(e) When an application for approval of a Preliminary Plat has been approved or approved subject to conditions acceptable to Applicant. Section 508(4) of the Pennsylvania Municipalities Planning Code shall be counted from the date of such preliminary approval. An extension of time may be requested by the Applicant and approved by the Board of Commissioners in

accordance with Section 508(4) of the Pennsylvania Municipalities Planning Code.

1173.05 PRELIMINARY PLAT: SPECIFICATIONS.

The following shall be submitted in application for review and approval of a Preliminary Plat for a proposed subdivision or land development.

(a) A map or series of maps or sheets not larger than 18" x 24" drawn to scale not smaller than one hundred (100) feet to the inch, a scale not smaller than fifty (50) feet to the inch being

recommended, unless otherwise specified herein, clearly labeled "PRELIMINARY PLAT", and showing the following:

- (1) Name or identifying title of the proposed sub-division or land development.
- (2) The date the Plat was prepared, the dates of any subsequent revisions thereto after the Plat has been submitted, and a description of such revisions, if any.
- (3) North Point and scale.
- (4) A diagram, at a scale not less than one thousand (1,000) feet to the inch, covering sufficient area to establish the location of the site within the Township.
- (5) Name, address, signature and phone number of the owner or Applicant. Applicant other than land-owner shall identify interest of Application.
- (6) The names of the owners of all abutting unplotted land and the name of all abutting subdivisions and indicating the location thereof.
- (7) Name, address, telephone number, signature, and seal of the professional engineer, architect, landscape architect certifying the Plat and professional land surveyor certifying accuracy of Plat perimeter survey.
- (8) Tract boundaries by bearings and distances, deed references according to records-of the Recorder of Deeds, and previous subdivisions or land developments.
- (9) All existing property lines, easements, and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (10) Zoning district in which located and zoning districts of abutting properties, including Designated Flood Plain District, and all variances or special exceptions approved by the Zoning Hearing Board or Board of Commissioners.
- (11) All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width.
- (12) All existing buildings, sanitary and storm sewers, water mains, culverts, fire hydrants, and other significant manmade features on or abutting the tract.

- (13) Water courses, marshes, rock outcrops, wooded area, and areas underlain with limestone.
- (14) Existing and proposed contours at vertical intervals of two (2) feet except in areas where slope is greater than fifteen (15%) percent, in which case the contour interval shall be five (5) feet. Datum to which contour elevations refer shall be U.S. Coast and Geologic Survey datum or Lower Allen Township Authority datum.
- (15) Total square footage and acreage, number and area of lots, area of rights-of-way, recreation area, and number and area of dwelling units and/or structures and all other uses in tabular form.
- (16) Location, width, and approximate grade of all proposed streets, rights-of-way, and easements; lot numbers, proposed lot lines with approximate dimensions and lot areas; proposed minimum set-back line for each street and yard; recreation areas, public buildings, public areas and parcels of land, rights-of-way, and easements proposed to be dedicated or reserved for public use.
- (17) Location of any proposed site improvements such as curbs, sidewalks, walkways, drives, fire hydrants, and, when the proposed use includes other than a single-family detached residential dwelling, the type of land use, residential density, and the location of structures for solid waste disposal facilities, centralized postal facilities when required by law, and parking facilities. Typical cross section of streets shall also be shown.
- (18) An indication of the general location of proposed water mains, sanitary sewers, electric, gas, telephone, cable TV, and storm water catch basins and lines. The preliminary size of each line should be shown as well as the locations of or distances to any existing lines to be connected to, with the size of such existing lines indicated.
- (19) General plans for the collection, detention, or retention of run-off of surface water and its out-fall together with design analysis and any other supporting data.
- (20) A technical report entitled "Proposed Public Water Supply Study" as required by Section 1181.05(b)(3)(D).

(21) Approval blocks to be signed by the appropriate officers of the Planning Commission and Board of Commissioners.

(b) Where applicable, a "Plan Revision Module for Land Development" shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. The complete Module shall accompany'-the Preliminary Plat submission.

(c) At this stage, if the tract or any part thereof is located in any of the Designated Flood Plain Districts, the following regulations shall apply:

(1) The Applicant shall prepare a contour map of the area proposed for subdivision or land development with contour intervals of two (2) feet, except in areas where slope is greater than fifteen (15%) percent, in which case the contour interval shall be five (5) feet, showing which portion of the tract is in the Floodway District (FW), which portion of the tract is in the Flood-Fringe-District (FE), and which portion of the tract is in the General Flood Plain Conservation District (FA, according to the Zoning Map and the Flood Insurance Study and accompanying maps;

(2) Where all or part of the tract is located in the Floodway District (FW), the part of the tract located in the Floodway District (FW) shall not be platted for any use, activity or development which is not a permitted use or a use permitted by special exception under Section 1131.06(d) of the Codified ordinances. No use, activity or development shall be permitted except where the effect of such on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local, state, and federal authorities as required by law;

(3) Where all or any part of the tract is located in the Flood-Fringe District (FF), the part of the tract located in such district shall not be platted for any use, activity or development except as permitted under Section 1131.06(e) of the Codified ordinances;

- (4) Where all or any part of the tract in the General Flood Plain Conservation District (FA), the part of the tract located in such district shall not be platted for any use, activity or development, except as permitted under Section 1131.06(f) of the Codified Ordinances.
- (d) Evidence in writing, where one hundred (100) or more dwelling units are proposed in a subdivision or land development, that the West Shore School District has been advised of the proposed subdivision or land development.
- (e) Where it is estimated that the subdivision or land development will generate over one thousand (1,000) vehicle trips a day, a Traffic Engineer report indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed subdivision or land development and possible solutions to such problems as may be thereby identified.
- (f) Where development is projected over a period of more than one (1) year or in more than one section, Applicant shall submit a schedule delineating all proposed sections as well as deadlines within which applications for Final Plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the Preliminary Plat approval, until Final Plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Commissioners. 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 as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Board of Commissioners in its discretion.
- (g) Copy of application to Pennsylvania Department of Transportation for highway occupancy permit.
- (h) Such other information as may be required by the Planning Commission or Board of Commissioners in the enforcement of this Ordinance..

1173.06 FINAL PLATS: PROCEDURE

- (a) The following procedures shall be followed in the submission and processing of a Final Plat for proposed subdivision or land development.

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(1) The Applicant shall, submit one (1) mylar or comparable and twenty (20) copies of the required Final Plat and six (6) copies of required plan, maps, reports and information to the Zoning Officer at least thirty (30) days prior to the meeting of the Planning Commission and which consideration is desired. Such documentation shall include all specifications and data required under Section 1703.77, "FINAL PLAT: SPECIFICATION".

(2) The Board of Commissioners shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the day the application has been filed.

A. The decision of the Board of Commissioners shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

B. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and described the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

C. Failure of the Board of Commissioners to render a decision and communicate it to the Applicant within the time and in the manner required hereon shall be deemed as approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication shall have the like effect.

D. When an application for approval of a Final Plat has been approved subject to conditions, the Applicant must accept each and every condition in writing. If the Applicant does not accept or reject each and every condition within three (3) calendar days after the decision is communicated personally to him or

mailed to him at his last known address, approval subject to condition of the Final Plat shall be rescinded automatically.

Such automatic rescission shall be deemed a rejection and applicant shall be so notified at the time of the notification of the approval subject to condition. (Ord. 90-5 Passed 5-14-90)

(3) When an application for approval of a Preliminary Plat has been approved or approved subject to conditions acceptable to the Applicant, the five (5) year period of time set forth in Section 508(4) of the Pennsylvania Municipalities Planning Code shall be counted from the date of such preliminary approval.

(b) The Final Plat shall incorporate all the changes and modifications required by the Board of Commissioners. Otherwise, it shall conform to the approved Preliminary Plat. Final Plat submission may constitute only that portion of the approved Preliminary Plat which the Applicant proposes to record and develop at the time, provided that such portion conforms with all of the requirements of this Ordinance. In such case the Applicant shall submit a schedule for the development of the balance of the tract as required by Section 1173.05(f) of this Ordinance.

(c) No Plat shall be finally approved by the Board of Commissioners unless the improvements required by Article 1177

and Article 1181 have been installed in accordance with the provisions of Part Eleven, Title Three. In lieu of the completion of any improvements required as a condition for the final approval of a Plat, including improvements or fees otherwise required by this Ordinance, the Board of Commissioners may grant final approval prior to completion upon the following terms and conditions.

(1) The Applicant enters into an agreement with the Township, substantially in the form set in Exhibit #2, or such other form as the Board of Commissioners may approve, agreeing that the improvements will be installed in accordance with the plans, specifications and schedule approved by the Board of Commissioners and in accordance with the Ordinance.

(2) Simultaneously with the execution of the agreement specified in subsection 1173.07(c)(1) hereof, Applicant shall deposit with Township financial security in an amount sufficient to cover the costs of all required improvements.

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The financial security shall guarantee performance of the agreement and completion of the improvements by the Applicant in strict accordance with the approved plans, specifications, and schedules and the standards and specifications of the Ordinance. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, financial security may include the following chosen by the person posting the financial security:

- A. Corporate surety bond,
- B. Irrevocable letter of credit or C. Restrictive or escrow account.

The bonding company shall be authorized to conduct business within the Commonwealth of Pennsylvania. The lending institution shall be chartered by the United States of America or the Commonwealth of Pennsylvania.

(3) Such bond or other security shall provide for, and secure to the Township, 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.

(4) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110%) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the Applicant. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the 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 Township may require the Applicant to post additional security in order to assure that the financial security equals said one hundred and ten (110%) percent. Any additional security shall be posted by the Applicant in accordance with this subsection.

(5) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.

(6) If the party posting the financial security requires more than one 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-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above estimating procedure.

(7) In the case where development is projected over a period of years, the Board of Commissioners may authorize submission of Final Plats by section or stages of development if the Applicant deposits with the Township financial security in an amount sufficient to cover the costs of all required improvements in future sections or stages of development as determined in accordance with subsections 1173.06(c)(1) to and including (6).

(8) As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Commissioners through the Zoning officer to release or authorize the release, from time to time, such portions of the financial security necessary for payment of the contractor or contractor performing work.

- A. Any such request shall be in writing addressed to the Board of Commissioners through the Zoning Officer.
 - B. Within forty-five (45) days from receipt of such request the Township Engineer shall certify in writing to the Board of Commissioners such portion of the work upon the improvement that has been completed in accordance with the approved plat, specifications, and schedules and with the Ordinance.
 - C. Upon such certification by the Township Engineer, the Board of Commissioners shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. Failure of the Board of Commissioners to act within said forty-five (45) day period shall be deemed to be approval of release of funds as requested.
- (9) Where any of said improvements are not to be dedicated to the Township, prior to final release of the financial security at the time of completion and certification thereof by the Township Engineer, the Board shall retain ten (10%) percent of the estimated cost of the aforesaid improvements as well as the functioning of said improvements in accordance with the design, specifications, and schedules as depicted on the final plat for a term of eighteen (18) months from the date of such certification by the Township Engineer.
- (10) Prior to the acceptance by the Board of Commissioners of dedication of all or some of the required improvements, the Applicant shall post financial security of the same type as required by subsection 1173.06(c)(2) in the amount of fifteen (15%) percent of the actual cost of the installation of said improvements to secure structural integrity of said improvements in accordance with the design, specifications, and schedules as depicted on the Final Plat for a term of eighteen (18) months from the date of acceptance of said dedication.
- (11) 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 Lower Allen Township Authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the public utility or Lower Allen Township Authority and shall not be included within the financial security as otherwise required by this Section.

(12) 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 Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approval of the 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 providing 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.

(13) When requested by the Applicant, in order to facilitate financing, the Board of Commissioners, shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the Applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Commissioners; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. (Ord. 90-5 Passed 5-14-90)

(d) When the Applicant has completed all of the required improvements, the Applicant shall notify the Board of

Commissioners, through the Zoning Officer in writing, by

certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer, together with a certificate from a professional land surveyor that the monuments shown on the approved Plat have been installed.

- (1) The Board of Commissioners shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements.
- (2) The Township Engineer shall thereupon file a report, in writing, with the Board of Commissioners, and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization for inspection by the Board of Commissioners.
- (3) The report shall be detailed and shall indicate approval or rejection of such improvements, either in whole or in part, and if such improvements, or any portion thereof, are not approved or are rejected by the Township Engineer, the report shall contain a statement of the reasons for non-approval or rejection.
- (4) The Board of Commissioners shall notify the Applicant within fifteen (15) days of receipt of the Township Engineer's report in writing by certified or registered mail, of the action of the Board of Commissioners with relation thereto.
- (5) If the Board of Commissioners or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released of all liability, pursuant to its corporate surety bond or other financial security except as set forth in subsections 1173.06(c)(9) and (10).
- (6) If any portion of the improvements are not approved or are rejected by the Board of Commissioners, the Applicant shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.

(7) Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Commissioners or the Township Engineer.

(8) Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.

(9) The Board of Commissioners may prescribe that the Applicant shall reimburse the Township for the reasonable and necessary expense incurred for the: inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and, in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer, or consultant to the municipalities when fees are not reimbursed or otherwise imposed on Applicants.

A. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall within ten working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Board of Commissioners shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request over disputed engineering expenses.

B. If, within twenty (20) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Township and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer. (Ord. 90-5 Passed 5-14-90)

(e) 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.

(f) Before acting on any Plat, the Board of Commissioners may hold a public hearing thereon after public notice.

(g) At the time of approval by the Board of Commissioners, the original and copies of the Final Plat shall be made available for authentication and signing by the President or Vice President and Secretary. Within ninety (90) days after the date of Final Plat approval by the Board of Commissioners, the Zoning Officer shall record approved copies thereof in the Office of the Recorder of Deeds of Cumberland County, and forthwith file in the office of the Zoning Officer a Recorder's Certificate that the approved plat has been recorded with the Deed Book and page numbers indicated and one copy of the recorded plat. Applicant shall be responsible for the cost of recording.

(h) No change, erasures, modifications, or revisions shall be made on any Final Plat after approval has been given by the Board of Commissioners, and endorsed in writing on the plat, unless it has been first resubmitted to the Board of Commissioners.

1173.07 FINAL PLAT: SPECIFICATIONS

(a) The following shall be submitted in an application for review and approval of a Final Plat for a proposed subdivision or land development.

(1) The Final Plat in the form of a map or series of maps on sheets not larger than 18" x 24", drawn to scale not smaller than one hundred

(100) feet to the inch, a scale not smaller than fifty (50) feet to the inch being recommended, and clearly labeled "FINAL PLAT". When more than one sheet is required, an index sheet of

the entire subdivision or land development shall be shown on a sheet of the same size. The Final Plat shall be submitted in non-erasable form and shall show the following:

A. Primary control points, approved by the Township Engineer, and description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the Plat shall be referred, north arrow and scale.

B. Tract boundary lines, rights-of-way lines of streets, easements, and other right-of-way, and property lines of residential lots or parcels in unit, cooperative, or condominium subdivision or land development and other lots or tracts with accurate dimensions, bearings, and radii, arcs, and control angles of all curves. Lot or

tract descriptions shall be written to the street right-of-way line and shall exclude the street right-of-way.

C. Locations and description of survey monuments.

D. Name, address, telephone number, date, signature and seal of the professional engineer, architect, or landscape architect certifying the Plat and professional land surveyor certifying accuracy of Plat perimeter survey.

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- E. Certification of title showing that Applicant is the owner of land, agent of the landowner, or tenant with permission of the landowner.
- F. Statement by owner dedicating streets, rights-of-way, easements and any sites for public uses which are to be dedicated.
- G. Zoning district in which located and zoning district of abutting properties, including Designated Flood Plain District.
- H. Name, address, signature and telephone number of the owner/Applicant.
- I. Typical cross section of each street, showing the width of the right-of-way.
- J. A diagram at a scale not less than one thousand feet to the inch, covering sufficient area to establish the location of the site within the township.
- K. Number to identify each lot or parcel in unit, cooperative or condominium subdivision and/or site, and setting forth total.- square footage and acreage, area-of each lot, area of rights-of-way, recreation area, number and area of dwelling units and/or structures and all other uses in tabular form.
- L. Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivision or land development are dedicated or reserved.
- M. Building setback lines on all lots or lots or parcels in unit, cooperative or condominium subdivision or other sites.
- N. Names of record owners of adjoining un- platted land.
- O. Reference to recorded subdivision or land development plats of adjoining platted land and by record name, date, and Plan Book.

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P. Approval blocks to be signed by the appropriate officers of the Planning Commission, Board of Commissioners.

Where applicable, a statement that the site is underlain with carbonate rocks (limestone and dolomites), that there is a potential for sinkholes and that special construction procedures may be desirable or necessary.

R. When the proposed use includes other than a single-family detached building, the type of land use, residential density, and location of structures, solid waste disposal facilities, centralized postal facilities when required by law, and parking facilities.

S. Where the subdivision or land development will be served by public water, the location of fire hydrants.

T. Name of each street.

U. Street number of each lot.

V. Other Data: The Final Plat shall be accompanied by the following data, exhibits, and plans are prescribed by the Planning Commission, Board of Commissioners, or as required by the laws of the Commonwealth:

1. Existing and proposed contours at vertical intervals of two (2) feet except in areas where slope is greater than fifteen (15%) percent in which case the contour intervals shall be five (5) feet.
2. Profiles of streets showing grades.
3. Typical Cross Sections of each type of street, minor street, collector, etc., showing the width of right-of-way, width of sidewalks, if required, cut and fill slopes and location and size of utility mains.
4. Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

5. Certification of agreements to provide service from applicable utility companies.

6. A Final Erosion and Sedimentation Control Plan pursuant to the rules and regulations of the Pennsylvania Department of Environmental Resources (Title 25, Part 1, Subpart C, Article II, Chapter 102, of the Pennsylvania Code) and evidence that any required Erosion and Sedimentation Control Permit is not required, the Applicant shall provide evidence that the Erosion and Sedimentation Control Plan has been reviewed and approved by the County Conservation District Office; however, if the District Office does not desire to review the Plan, the Board of Commissioners may, at its discretion, have the Plan reviewed by the Township Engineer. The cost of the review shall be paid for by the Applicant.

7. In the case of subdivision or land development plans proposed for the scale of lots only, the applicant shall include on the Final Plat, a covenant running with the land assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan.

8. A copy of the sewage "Plan Revision Module for Land Development" or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code together with the location of the site of the percolation and deep probe tests on each lot.

9. When any portion of the tract proposed for subdivision or land development is located in any of the Designated Flood

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Plain Districts, the following information shall be required as part of the Final Plat and shall be prepared by a professional engineer, architect, landscape architect, or surveyor:

a. The exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed

within any identified flood plain area or district. All such maps shall show contours at intervals of two (2) feet except in areas where slope is greater than

fifteen (15%) percent in which

case the contour intervals shall be five (5) feet, and identify accurately the boundaries of the Flood Plain Districts, and

shall be verified by the Township Engineer.

b. Submission of the Final Plat shall also be accompanied by all

required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a

stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed. alteration or relocation. The

Department of Community Affairs,

and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

10. A final storm water management plan, approved by the Zoning Officer.

11. The agreements and form of financial security required by Section 1173.06(c).

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12. A valid highway occupancy permit issued by the Pennsylvania Department of Transportation where required by law, or notification in

writing that no permit is required, unless failure of the Pennsylvania Department of

Transportation to act within the time required by law shall be a deemed approval of the permit.

13. Such other certificates, affidavits, endorsements, or dedications as may be required by the Board of Commissioners in the enforcement of this ordinance.

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ARTICLE 1177 Design Standards

1177.01 Application. 1177.06 Erosion and Sedimentation Control.

1177.02 Street. 1177.07 Storm Water Facilities. 1177.03 Easements. 1177.08 Natural
Features
Preservation.

1177.04 Blocks. 1177.09 Flood Control.

1177.05 Lots. 1177.10 Recreation and Open Space.

CROSS REFERENCES

1177.01 APPLICATION

(a) The following principles, standards, and requirements will be applied by the Board of Commissioners and Planning Commission in their review and evaluation of all subdivision and land development plat applications.

(b) The standards and requirements contained herein shall

be considered the minimum for the promotion of the public health, safety, convenience, and general welfare, in the absence of any such standard or requirements.

(c) Where literal compliance with the standards and requirements contained herein is clearly impractical, the Board of Commissioners may modify or waive such standards through the alteration of requirements process set forth in Section 1169.05 of this Ordinance.

(d) Proposed land uses shall conform to the Township Zoning Ordinance.

(e) Land subject to hazards of life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be platted for development or use purposes unless such hazards have been eliminated or unless the plat shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

(f) Where a subdivision or land development is partially located in another municipality, the provisions of this Ordinance shall apply to the portion located in Lower Allen Township.

(g) An existing tract which is divided by a street or state highway shall be considered as a single tract until such time as the tract is divided by an approved subdivision or land development plan.

1177.02 STREETS

(a) General Standards

- (1) Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.
- (2) Streets shall be laid out to preserved the integrity of their design. Streets which provide ingress and egress to single-family or multiple family developments shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.
- (3) Proposed private streets (streets not offered for dedication) shall meet all the design standards of Article 1177 and Article 1181, including but not limited to right-of-way, curbs, sidewalks, drainage, construction, traffic control and setback line.
- (4) Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.
- (5) Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas the proper projection of streets into adjoining undeveloped or unplatted areas and the continuation of proposed streets to the boundaries of the tract being developed. No tract or parcel of land shall be landlocked.
- (6) New half or partial streets shall be prohibited, except where essential to reasonable development of a tract in conformance with the other requirements and standards of these regulations. Except where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained, a Cul-de-sac shall be constructed at the end of such half street which shall be of a permanent nature, unless a temporary Cul-de-sac is approved.

- (7) Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane", way "drive", "court", "avenue",. In approving the names of streets, cognizance should be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation of alignment with an existing or platted street.
- (8) In the case where a new subdivision or land development abuts an existing street or state highway the applicant shall provide any required dedication for the standards set forth in Section 1177.02(c) including but not limited to required right-of-way and cartway width. Where the cartway is widened by the installation of curbing or otherwise, fill-in paving shall be required. For state highways the plan shall show the existing legal limit of the state right-of-way and the additional right-of-way width which is being dedicated to the Township. The right-of-way to be dedicated shall be measured from the centerline of the existing street or state highway.
- (9) Applicant for a subdivision or land development abutting a state highway shall be responsible for obtaining approval of any proposed improvements, and for obtaining a Pennsylvania Department of Transportation Highway Occupancy Permit for any proposed improvements.
- (10) Applicant shall certify prior to final approval of a subdivision or land development plan that title to any street right-of-way are free and clear of all liens and encumbrances and that no prior right-of-way has been granted to any utility or any other person.
- (11) The right-of-way widths are based upon the need to serve utilities, to accommodate ponding of runoff, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance and accidents and to accommodate future improvements.

(b) Street Classification

Four functional classifications of streets are established as follows:

(1) Arterial

This classification includes a street with fast or heavy traffic volume of considerable continuity and provides the principal means of traffic circulation between areas within the Township or important areas in adjoining municipalities. New arterial streets should be designed to

Pennsylvania Department of Transportation

standards to accommodate operated speeds of 55

miles per hour and estimated Average Daily Traffic Volumes of over 3,500 vehicles.

(2) Collector

This classification is intended to include those streets which connect minor streets to arterial streets and limited access highway, including the principal entrance streets of residential development and streets for circulation within

such a development. New collector streets will accommodate operating speeds of 35 miles per hour and estimated Average Daily Traffic Volume of 1,500 to 3,500 vehicles.

(3) Minor

This classification is intended to include streets that provide direct access to abutting land. New minor streets shall be designated for operating speed of 35 miles per hour or under and estimated Average Daily Traffic Volume of under 1,500 vehicles.

(4) Country Lane

This classification is intended to include streets

that serve those rural areas of the Township that because of topography, drainage, sanitary sewage consideration, and the nature of the existing land use, it is desirable to maintain the nature of the existing rural character while maintaining a

wide right-of-way to accommodate future street improvements when they become necessary. These areas are designated by the Comprehensive Plan.

B. Parking in non-residential areas, areas of mixed use, or in areas of high density development.

(3) Short extension of existing streets with lesser right-of-way and/or cartway widths than prescribed, in this section may be permitted; provided, however, that no section or new right-of-way less than forty (40) feet in width shall be permitted.

(4) The area known as Rana Villa which is zoned C-Commercial General District bounded on the north by Old Gettysburg Road, on the east by Zimmerman Drive, on the south by Hartzdale Drive, and on the west by St. Johns Road, and the area known as Harrisburg Manor bounded on the north by Shireman Manor, on the east by Rupp Avenue, on the South by Old Gettysburg road and on the west by Upland Street, presently have substandard rights-of-way. The designated right-of-way width in this area shall be 40' with a 30' cartway. Any street with right-of-way of less than 40' must have dedication of additional and to provide said 40' right-of-way.

(5) Where a subdivision or land development is provided access by a single street, the Board of Commissioners may require a boulevard-type of entrance which would consist of two streets having a width of 20 feet each separated by an island having a width of 10 feet within a right-of-way having a width of 70 feet.

(d) Cul-de-Sac or Dead End Streets

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(2) Any dead-end street, for access to an adjoining property or because of authorized phased development, shall be provided with a temporary, all-weather turn-around. The use of such turn-around shall be guaranteed to the public until such time as the street is extended.

(4) Unless future extension is clearly impractical or undesirable, the turn-around 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 a full width.

A. The minimum radius of a cul-de-sac to the curb line shall be forty (40) feet, and the minimum radius of the right-of-way lines shall be fifty (50) feet.

B. No interior island shall be permitted.

(5) Drainage of a cul-de-sac street shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

(6) The centerline grade on a cul-de-sac street shall not exceed ten (10%) percent and the grade of the diameter of the turn-around shall not exceed two (2%) percent. (e) Horizontal Curves

(1) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

(2) To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as follows:

A. Minor Street: one hundred fifty (150) feet; B. Collector Street: three hundred (300) feet; C. Arterial Street: Five hundred (500) feet.

(3) A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and arterial streets.

(4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

f) Vertical Curves

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

- (1) Minor Street: two hundred (200) feet;
- (2) Collector Street: three hundred (300) feet; and (3) Arterial Street: four hundred (400) feet.

g) Intersections

(1) Streets shall intersect as nearly as possible at

right angles, and no street shall intersect at an angle of less than seventy-five (75) degrees.

(2) Intersection involving the junction of more than two (2) streets are prohibited.

(3) 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 centerline, measured along the center-line of the street being intersected.

(4) Grades at intersection shall be as flat as possible. The grade of the approach where the traffic is required to stop shall not exceed 4% grade for sixty (60) feet.

(5) Intersection with arterial streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline, along the centerline of the major street. Intersection with collector streets shall be located not less than six hundred (600) feet.

(6) At intersection of streets the curb or edge of pavement radii shall not be less than the following:

Minimum Single Curve Radii of section	Curb or Edge of Pavement
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T -4, -FI

Collector with

Minor Street 25' 25' 55,

Minor Street with

Minor Street is, 25' 55,

Radius corner of diagonal cutoffs must be provided on the property lines substantially concentric with or parallel to the chord of the curb radius corners.

(h) Intersection Sight Distance and Clear Sight Triangles

Adequate sight distances and areas of view free from obstructions shall be provided at all intersection of streets, and for driveways intersecting a street, in accordance with Pennsylvania Department of Transportation regulations.

(i) Street Grades

(1) The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

Type of Street	Minimum Grade	Maximum Recommended Grade
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Arterial Streets	.75	Recommended grade as determined by the Board of Commissioners after consultation with the Engineer Planning Commission and the Pennsylvania Department of Transportation
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Collector Streets	.75	Six (6) Percent
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Minor Streets	.75	Ten (10) Percent
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(2) On a minor street, grades greater than ten (10%) percent shall not be more than four hundred (400') feet in length.

(j) Slopes of Banks Along Streets A

All of the right-of-way shall be graded similar to the street grade. The slope of banks along street centerline shall be no steeper than the following:

Design Standards 1177.02

- (1) One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
 - (2) One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.
- Where the cut or fill slope abuts a sidewalk, there shall be a two (2') foot level area adjacent to sidewalk and the fill slope shall not exceed three to one slope.

k) Driveways

- (1) All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere with or be inconsistent with the design, maintenance and drainage of the highway or street.
- (2) Subject to the provisions of Section 1149.03(c), a driveway shall be permitted at locations in which:
 - A. Sight distance is adequate to safely allow movement to be made into or out of the driveway;
 - B. The free movement of highway or street traffic is not impaired;
 - C. A safety hazard is not created; and
 - D. Use of the driveway will not create an area of traffic congestion on the highway or street.
- (3) A driveway shall also be subject to the following location restrictions:
 - A. The driveway shall not be located at an interchange, ramp area or a location that would interfere with the placement, functioning, or maintenance of--a highway or street sign, detector, lighting or other device that affects traffic control.
 - B. Where the driveway is located near a signalized intersection, the Board of Commissioners may require that the applicant or person desiring to use the driveway provide new or relocated detectors, signal heads, controls and other devices for the control of traffic movements from the driveway.

V_

C. Where the property abuts two or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic. Direct access from residential lots to an arterial street shall be avoided, but if necessary adequate turn-around space shall be provided behind the right-of-way line.

D. The Board of Commissioners may require the Applicant to locate a driveway directly across from a highway, street, or driveway on the opposite side of the highway or street if it is determined the offset driveway will not create a safety hazard.

E. The Board of Commissioners may restrict left turn movements from the property.

F. The number of driveways shall not exceed one per lot on any one highway or street frontage. The Board of Commissioners may grant permission for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists. Where a non-residential facility abuts a street which is part residential access will not be permitted to the residential street if other access is available.

G. Access drives shall be paved and shall not exceed thirty-six feet in width within the street right-of-way, except as increased by the curb radii.

H. A driveway shall not cross the street right-of-way line:

1. Within forty feet of the street right-of-way line of an intersecting street, and in no case less than ten feet from the point of tangency where the intersecting street lines are joined by a curb. Notwithstanding the aforesaid and when deemed reasonable necessary for increased for driveway to shopping centers and other commercial, industrial, public or institutional uses;

2. Within five feet of a fire hydrant, catch basin, or drain inlet; and

3. Within five feet of a property line.

Design Standards

1177.02

I. Driveway shall not exceed a slope of ten (10%) percent within ten feet of the street line. When a driveway enters a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half foot vertical to one foot horizontal within ten feet of the point the driveway intersects with the right-of-way line. Except in the case of single and two-family dwellings, the general layout shall be such that there shall be no need for motorists back over a street or highway.

14) A valid highway occupancy permit shall be obtained from the Pennsylvania Department of Transportation when any driveway is proposed for connection to a state highway or legislative route and such permit is required by law.

(5) The width of driveways shall be in accordance with the following standards:

A. For multi-family residential, mobile home parks, and all non-residential development or subdivisions, driveways shall be no less than 22' in width at the right-of-way line and shall clearly be defined by the use of curbing.

B. For single family residential subdivisions, driveways shall be no less than 10' in width and no greater than 24' in width at the right-of-way line.

(6) A joint use driveway shall be limited to serving two adjacent tracts or parcels of land, other than single-family dwelling or single-family semi-detached dwelling. All users shall prepare for approval by the Board of Commissioners in recordable form an agreement dealing with the rights or ingress, egress, maintenance, repair, snow removal, replacement, and any other relevant matter pertaining thereto. . (Ord. 90-5 Passed 5-14-90)

Street Lighting

A. Street lighting as recommended by the electric utility company, shall be provided by the applicant and shown on the plans as follows:

1. All new intersections in commercial and industrial areas.
2. All new intersections on existing arterial or collector streets.
3. All existing intersections in commercial and industrial areas and existing intersections on arterials and collector streets when they abut the subdivision or land development.
4. At the driveway, access or entrance of any new commercial, industrial, institutional or multi-family unity with more than four (4) units.

B. Intersections or areas with lower levels of lighting shall be improved as necessary to meet the recommendations of the electric utility company.

(m) Major Intersections

Any subdivision or land development which can be expected to generate more than 750 vehicle trips per day shall provide any or all of the following facilities as may be required by the Board of Commissioners to provide safe and efficient operation at any proposed driveway or street; acceleration or deceleration lanes; concrete median or median barriers; left-turn lanes; traffic signals; lane markers and such other traffic control devices as may be necessary.

1177.03 EASEMENTS

(a) Easements shall be provided for cable TV facilities, drainage facilities, overhead or underground public utility facilities in consultation with the Engineer, the Electrical Utility Companies, the Pennsylvania Department of Transportation, and the Telephone Utility Companies.

(1) The minimum width of such easements shall be twenty (20) feet for drainage facilities and underground utilities and ten (10) feet for overhead utilities. Additional width may be required by the Board of Commissioners depending on the purpose and use of the easements.

(2) Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot lines.

(b) Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, 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 or the purpose of installing a storm water sewer. Access easements will also be required.

(c) The minimum width for an easement for sanitary sewer shall be thirty (30) feet.

(d) Applicant shall certify that title and the street right-of-way are free and clear of all liens and encumbrances and that no prior right-of-way have been granted to any utilities or any other persons.

(e) Where a subdivision or land development involves the of solar access, solar skyspace easements shall be provided, shall be in writing and shall be in form to be recordable in the Office of the Recorder of Deeds. Any such easement shall be appurtenant, run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of creation. Instruments creating a solar skyplace easement shall, include but not be limited to:

(1) Description of the skyplace above the burdened land into which described obstructions shall not be permitted to encroach.

(2) Terms and conditions under which skyspace easement is granted or will be terminated.

1177.04 BLOCKS

(a) The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the municipality, the topography of the land being subdivided or developed, and the requirements for safe and convenient vehicular and pedestrian circulation.

(b) Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.

(c) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street-parking for employees and customers shall be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.

(d) Interior pedestrian walks shall be provided in blocks exceeding one thousand (1000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be stabilized for a width of not less than four (4) feet, shall be located in easements not less than ten (10) feet in width, and shall be located in the corner of any such block.

1177.05 LOTS

(a) General Standards

(1) The size, depth, width and orientation of lots

shall conform to applicable zoning regulations of the Township.

(2) Insofar as practical, side lot line should be at

right angles to straight street lines or radial to curved street lines.

(3) Where feasible, lot lines should follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

(4) If after subdividing, there exist remnants of land, they shall be either:

A. Incorporated in existing or proposed lots; or

B. Legally dedicated to public use, if acceptable to the municipality.

(b) Lot Frontage

(1) All lots shall abut a public street existing or proposed, or a private street if it meets the requirements of these regulations.

(2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from collector and arterial streets or to overcome specific disadvantages of topography or orientation.

(3) No residential lots shall be created which front upon an arterial street.

(4) New residential lots abutting an arterial street or highway shall be provided access only from an interior street.

(5) Noise barriers shall be provided for all residential lots abutting a limited access highway.

(c) Building Setbacks

(1) Corner lots shall have such width as required by the Zoning Ordinance.

(2) Front, side, and rear building setbacks shall conform to the Zoning Ordinance.

(3) All building setbacks shall be measured from the required or existing right-of-way line of a street, whichever right-of-way line is the greater distance from the centerline of a street.

(4) Corner lot shall have front yard setback lines along the two abutting streets and two side yard setback lines. Rear yard setback line shall not apply to rectangular corner lots.

(d) Where no such provisions are set forth in the Lower Allen Township Zoning Ordinance, the dimensions and area of lots shall conform to the following minimum requirements:

(1) Lots not served by public water and public

sanitary sewers. Residential lots, where not served by public water sanitary sewers, the land meeting the necessary percolation and soil survey standards, shall not be less than ninety feet wide at the front building line, nor less than 15,000 square feet in area per dwelling unit, or such larger area as required by applicable State and

Township regulations governing on-lot disposal systems.

(2) Lots served by public water only. Residential lots, where served by public water and not by public sanitary sewers, the land meeting the necessary percolation and soil survey standards, shall be not less than ninety feet wide at the front building line, nor less than ten thousand square feet in area, per dwelling unit or such larger area as required by applicable State and Township regulations governing on-lot disposal system.

(3) Lots served by public water and public sanitary sewers. Residential lots served by both public water and public sanitary sewers shall conform to the following requirements:

Dwelling Type	Minimum Lot Width at the Front Building Line	Minimum Lot Area per Dwelling Unit
Single-family, detached dwelling:	90	9,000
Single-family, semi-detached dwelling:	75	7,500
Single-family, attached dwelling:	24	2,600
Two-family, detached dwelling:	75	3,000
Two-family, semi-detached dwelling:	60	3,000
Multi-family dwelling:	72	2,600

(4) Lots in recreational vehicle parks or camp grounds. On land laid out as a recreational vehicle park or camp ground, the lot shall be not less than sixty feet wide or less than 5,000- square feet in area for each recreational vehicle or camp ground lot, exclusive of streets and other public areas provided that water and sewers are provided in accordance with the statements of, and approved by, the Pennsylvania Department of Environmental Resources.

(5) Lots for other than residential uses. The lot width and area requirements of properties reserved or laid out for uses other than residential shall provide adequate space for yards and off-street loading, unloading and parking facilities. Subdivision plats for uses other than residential shall be accompanied by plans of contemplated construction on the subdivision lots in sufficient detail to assure that these requirements are being satisfied.

A. The applicant shall arrange for percolation tests to be made on the tract in order to provide the data necessary for the platting of lots of adequate size.

B. Percolation tests shall be conducted in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Resources".

C. From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Resources", but in no case shall the lot size be less than designated in Section 1177.04(c)(1) or (c)(2).

D. Where on-lot water is to be used, the lot shall be large enough so that the water source shall be located not closer to the absorption field than the distance specified in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Resources".

E. The approval of the Board of Commissioners will not be given to a subdivision or land development where on-lot sewage disposal is to be provided, unless the size of lots and the disposal system conforms to the requirements of the standards indicated in accordance with the "Rules and Regulations of the Resources", but in no case shall the lot size be less than designated in Section 1177.04(d)(1) or (d)(2).

(7), Lot-sizes on slopes, The minimum lot areas herein established shall be increased in accordance with the Board of Commissioners requirements, based on reports from the Department of Environmental Resources and the Soil Conservation Service indicating that, because of the slope, surface runoff or subsurface drainage of septic tank effluents are likely to result in hazardous conditions.

(8) Corner lots for residential use. Corner lots designed for residential use shall have extra width of at least ten percent of the above required width to permit appropriate building setback from, and orientation to, both streets.

(9) Building-setback lines.

A. Building setback lines must conform to any applicable zoning ordinance. Where no such ordinance applies, the minimum setback from the right of way line shall be as follows:

Street-Type	Minimum Setback from right of way
Arterial Highway	forty feet
Collector Street	thirty feet
Minor Street	twenty-five feet

B. Where an existing building line is established on at least fifty percent of the properties in the block in which the proposed subdivision is located or within 200 feet immediately adjacent to the proposed subdivision, the required minimum may be increased to conform with such established building line.

C. Building setback lines for buildings in excess of three stories shall have a minimum setback equal to the height of the building above the ground-surface at the side of the building nearest the street right of way.

D. On a corner lot, the setback from each adjacent street shall be applicable.

E. In a mobile home park, the setback lines must conform to Article 1185.

F. In a recreational vehicle park or camp ground, setback lines must conform to any applicable zoning regulations. Where no such requirements exist, the minimum setback from the right-of-way line of dedicated street shall be as designated in subparagraph A.,

B. , C. hereof.

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(10) Side and rear building lines.

A. Side and rear building lines must conform to any applicable zoning ordinance. Where no such ordinance applies, the minimum side and rear building lines shall be as hereinafter set forth.

B. Building lines shall not be less than fifteen feet from the side lot lines and thirty feet from the rear lot line, except building

exceeding three stories shall have a side and rear building line equal to the height of the building.

C. In a recreational vehicle park or camp

ground, side and rear building lines shall be not less than ten feet from the side and rear lot lines of each recreational vehicle or camp ground lot, and not less than

twenty-five feet from the recreational

vehicle park or camp ground property line on the sides and rear not adjacent to a

dedicated public street right of way.

1177.06 EROSION AND SEDIMENTATION CONTROL

The provisions of Article 1201 of the Codified Ordinances of Lower Allen Township, 1985, shall be complied with by all applicants.

1177.07 STORMWATER FACILITIES

(a) Stormwater facilities, in addition to meeting the requirements of this section, shall also comply with Article

1201- Stormwater Management. Storm drainage facilities shall be required as necessary to: (a) permit the unimpeded flow of natural water courses; (b) ensure the drainage of all low points along the line of streets and other applicable areas; (c) intercept, retain or detain surface water runoff in a manner reasonably related to the extent and grade of the area drained; (d) provide positive drainage away from on-site sewage disposal facilities and buildings.

(b) General Standards:

(1) The minimum design criteria shall be a 10-year storm with a 20 minute duration. Higher frequency conditions may be requested by the Board of Commissioners where an overflow would endanger public or private properties. Design calculations shall be based on acres of soil of the soil cover complex method or the rational method, as provided for in Article 1201.

- (2) The complete drainage system for the subdivision or land development, including the identification of drainage features which shall be incorporated into the design. If the subdivision or land development is to be developed in phases, an overall stormwater facilities plan for the entire site shall be submitted.
- (3) Applicants shall be responsible for obtaining any require DER permits for the facilities or points of discharge. Hydrologic studies requested by other state agencies, such as PennDOT, shall also be provided by the applicant.
- (4) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- (5) Storm water runoff or natural drainage water shall not be diverted so as to overload existing drainage systems, or create flooding or the need, for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
- (6) Facilities for storm drainage should be designed to handle the anticipated peak discharge from the property being subdivided as well as to handle the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed area is fully developed.
- (7) Where a watercourse runs across or through a subdivision or land development, a drainage easement, which conforms with the line of such watercourse, shall be provided at such a width as will be adequate to preserved the unimpeded flow of natural drainage. Provisions for reasonable access for maintenance of these facilities shall be provided.
- (8) All drainage structures that are located on the right-of-way of state highways shall be approved by the Pennsylvania Department of Transportation.
- (9) All streets shall be designed so that surface water is discharged from their rights-of-way. The slope of the crown on proposed streets shall be one-quarter of an inch per foot.

(10) Storm drainage facilities, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement, as approved by the Township Engineer, who may require additional width of easement as circumstances warrant.

(11) Street drainage shall not be permitted to cross intersections or the crown of a road.

(12) Storm water roof drains shall not discharge water directly over a sidewalk.

(13) Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

(14) No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Township or Department of Environmental Resources, whichever is applicable.

(15) All street inlets shall be the combination inlet and hood type in compliance with PennDOT standard drawings for Type C Special Inlet. The designation of Special means a 10' curb reveal which requires the road surface to be sloped into the inlet for additional effectiveness. Inlet shall be constructed of reinforced concrete or precast concrete with a separate bottom and top. Inlet spacing shall not exceed 600 feet along improved roads.

(16) The minimum culvert pipe size shall be 18 inch diameter for all storm drainage facilities. Twelve inch pipes shall be permitted on privately-owned systems on private property where no upstream drainage is involved. All culvert , pipes shall meet-the requirements of the PennDOT specifications. At the beginning and end of all culverts, a headwall or pipe-end section shall be provided.

(17) All spring and sump pump discharges shall be collected by piping so as not to flow in the streets.

(18) Open Channel Flow which can be conveyed by a 48 inch or smaller culvert shall not be permitted as follows (1) in a front yard, (2) a subdivision or land development containing lots smaller than one-half (1/2) acre, or (3) within 100 feet to any proposed residential unit.

(19) Underdrain system shall be required at all low points on the street profile to pickup springs encountered during construction and to drain poor soil conditions. The underdrain system shall be designed and installed in accordance with the Pennsylvania Department of Transportation Publication 408, Specifications, as amended from time to time.

1177.08 NATURAL FEATURES PRESERVATION

The design and development of all subdivisions and land developments shall preserve, whenever possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of the residents of the Township. Some of these natural features include: the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcroppings and scenic views.

(a) Trees and Planting

(1) In any residential subdivision or land development, supplemental planting, in the form of appropriate street trees, shall be introduced. Such trees shall be planted at intervals of between fifty (50) and one hundred (100) feet and preferably in random patterns between the street right-of-way line and building line at least five (5) feet from the street right-of-way line; however, there shall be at least one tree in front of each lot. Trees are to be planted at the expense of the applicant and shall not be less than one and one-half inches in caliper.

(2) All subdivisions and land developments shall have shade trees at a ratio of not less than one (1) such tree per dwelling unit, leasehold unit, or commercial unit.

(b) Stream and Creek Maintenance Easement

Design Standards 1177.09

- (1) A maintenance easement with a minimum width of twenty-five (25) feet from the top of the bank shall be provided along Yellow Breeches Creek and Cedar Run Creek.
- (2) Access shall be provided to the water and maintenance easement area. The width of such access points shall not be less than twenty (20) feet.

1177.09 FLOOD CONTROL

- (a) Where all or any part of the tract is located in the Floodway District (FW), the part of the tract located in the Floodway District (FW) shall not be platted for any use, activity or development which is not a permitted use or a use permitted by special exception under Section 1131.06(d) of the Codified Ordinances. No use, activity or development shall be permitted except where the effect of such on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local, state and federal authorities as required by law.
- (b) . Where all or part of the tract is located in the Flood-Fringe District (FF), the part of the tract located in such district shall not be platted for any use, activity or development except as permitted under Section 1131.06(e) of the Codified Ordinances.
- (c) Where all or part of the tract is located in the General Flood Plain Conservation District (FA), the part of the tract located in such district shall not be platted for any use, 1131.06(f) of the Codified Ordinances.
- (d) All buildings and structures shall be so constructed as to preclude flood damage in accordance with this and any other laws and articles regulating such development.
- (e) Building or structure elevation.
 - (1) Within any Designated Flood Plain District, the lowest floor, including basement, or any new or substantially improved residential structures shall be at least one and one-half feet above the 100 year flood elevation.
 - (2) Within any Designated Flood Plain District, the lowest floor, including basement, for new or substantially improved structures or buildings

other than residential shall be at least one and one-half feet above the 100 year flood elevations or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height in accordance with the standards contained in the publication entitled "Floodproofing Regulations," U.S. Army Corp of Engineers, June 1972, or some other equivalent standard for that type of construction.

(f) If the Board determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(g) When an applicant does not intend to develop the plat himself and the Board determines that additional controls are required to impose appropriate deed restrictions on the land, which restrictions shall be inserted in every deed and noted on every recorded plat.

(h) Fill. If fill is used, it shall:

Extend laterally at least fifteen feet beyond the building line from all points;

(2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

(4) Be no steeper than one vertical to two horizontal unless substantiated data, justifying steeper slopes are submitted to an approved by the building permit officer;

(5) Be used to the extent to which it does not adversely affect adjacent properties.

(i) Excavation and grading. Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the applicant shall consult the County Conservation District representative concerning plans for erosion and sediment control and also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the applicant shall obtain a grading and excavation permit.

(j) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites. Plans shall be subject to the approval of the Board. The Board may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(k) Streets. The finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation. The Board may require, where necessary, profiles and elevations of streets to determine compliance with the requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood height.

(1) Sanitary sewer facilities.

(1) All sanitary sewer systems located in any Designated Flood Plain District, whether public or private, shall be floodproofed up to the regulatory flood elevation.

(2) All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(3) The Board may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision or land development, the board shall require the developer to provide sewage facilities to connect to this systems where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

(4) No part of any on-site sewage disposal system shall be constructed within any designated Flood

(m) Water facilities.

(1) All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

(2) All water systems located in any designated flood plain districts, whether public or private, shall be floodproofed up to the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the Board shall require the developer to connect to this system where practical and shall prescribe the procedures to be followed by the developer in connecting this system.

(n) Other public and private utilities and facilities.

All other public or private utilities and facilities including gas, telephone and electric shall be elevated or floodproofed up to the regulatory flood elevation.

1177.10 RECREATION AND OPEN SPACE

(a) All residential subdivisions or land development plans submitted after the effective date of this ordinance shall provide for suitable and adequate recreation in order to:

(1) Insure adequate recreational areas and facilities serve the future residents of the Township.

(2) Maintain compliance with recreational standards as developed by the National Recreation and Parks Association;

(3) Reduce increasing usage pressure on existing recreational areas and facilities;

(4) Insure that all present and future residents have the opportunity to engage in many and varied recreational pursuits; and to

(5) Reduce the possibility of the Township becoming overburdened with the development and maintenance of many very small, randomly placed and widely separated recreation areas.

(b) Exemptions and Requirements

Design Standards 1177.10

A. Any single and/or multi-family residential subdivision or land development plan in a residential zone classification for which a preliminary plan has been submitted prior to the effective date of this ordinance.

B. Any residential subdivision or land development plan, whether single and/or multi-family that contains less than thirty (30) dwelling units may be exempted by the Board of Commissioners from dedicating land for recreational purposes, but shall pay the fee in lieu of dedication as provided in this ordinance.

C. Any residential subdivision or land development plan that contains less than three (3) dwelling units shall not be required to dedicate land for recreational purposes or to pay a fee in lieu of said land dedication. Such subdivision or land development shall be cumulative as to applicant and successors in ownership.

(2) The amount of land required to be provided for recreational purposes for residential subdivisions or land development plans not exempted from the provisions of this article shall be as follows:

A. Single-family developments. In the case of a single-family subdivision or land development, the applicant shall provide a minimum of .725 square feet per dwelling unit.

B. Multiple-family developments. In multiple family developments, a minimum contiguous area of ten percent (10%) of the total area shall be provided for recreation exclusive of street right-of-way of the land being developed.

(3) A maximum of twenty-five percent (25%) of the total area required by this article to be provided for recreation may consist of flood plain areas.

(4) Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location and topography and shall be subject to the approval of the Board of Commissioners.

(5) The applicant shall satisfy the Board of Commissioners that there are adequate provisions to assure retention and all future maintenance of such recreation areas by

maintaining ownership, or by providing for and establishing an organization for the ownership and maintenance of the recreation area and such organization shall not be dissolved nor shall it dispose of the recreation area by sale or otherwise, except to an organization conceived and established to own and maintain the recreation area without first offering to dedicate the same to the Township.

(c) Recreation Area Location Criteria

The Planning Commission and the Board of Commissioners in exercising their duties regarding the approval of subdivision

and land development plans, shall consider the following criteria in determining whether to approve the proposed location of recreation areas in the applicant's subdivision or land development plan:

(1) Site or sites should be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have access to a street, however, no street shall traverse to the site or sites.

(2) Site or sites should have suitable topography and soil conditions for use and development as a recreation area.

(3) Size and shape for the site or sites should be suitable for development as a particular type of park.

(4) When designing and developing these recreation areas, it shall be done according to the standards established by the National Recreation and Parks Association.

(5) Site or sites should, to the greatest extent practical, be easily accessible to essential utilities, water, sewer, power, and site maintenance.

(d) Dedication to Municipality

(1) In a case where the applicant does not wish to retain the required recreation area, such area may be dedicated to the Township for public use.

(2) In addition to approving the site of recreation areas to be dedicated to the Township, the Planning Commission shall make its recommendation to the Board of Commissioners as to whether the dedication should be accepted by the Township.

(3) Such area dedicated to the Township for public use shall be suitable for recreational purposes by reason of size, shape, location, topography and access.

(4) The Board of Commissioners may find dedication to be impractical because of the size, shape, location, access, topography, drainage or other physical features of the land and that such dedication would adversely affect the subdivision or land development and its future residents or occupants, or that there is no land area within the proposed subdivision which is practical for dedication to the public because of size, access, topography or other physical characteristics.

(5) When the Board of Commissioners deem it to be in the public interest to accept dedicated land, such acceptance shall be by means of a deed of dedication which shall include the description of the dedicated recreation area.

(e) Fee in Lieu of Dedication

(1) Where the Board of Commissioners agree with the applicant that because of the size, shape, location, access, topography or other physical features of the land that it is impractical to dedicate land to the municipality or set aside a recreation area as required by this article, the Township shall require a payment of a fee in lieu of dedication of such land which shall be payable to the Township prior to approval of each final section of the overall plan by the Board of Commissioners. Such fee shall be calculated by multiplying the number of dwelling units in each section by the fee per dwelling unit.

(2) The amount of the fee shall be Three Hundred (\$300.00) Dollars per proposed dwelling unit.

(3) All moneys paid to the Township pursuant to this section shall be kept in a capital reserve fund. Moneys in such fund shall be used only for the acquisition of land or capital improvements for park and recreation purposes.

ARTICLE 1181

Improvement and Construction Requirements

- | | | | |
|---------|--------------------------------|---------|-------------------------------|
| 1181.01 | Improvements required. | 1181.06 | Fire Hydrants. |
| 1181.02 | Monuments and markers. | 1181.07 | Curbs. |
| 1181.03 | Street and Driveway Surfacing. | 1181.08 | Curb ramps. |
| 1181.04 | Sanitary Sewers. | 1181-09 | Sidewalks. |
| 1181.05 | Water Supply. | 1181.10 | Solid-Waste Disposal Facility |
| | | 1181.11 | Off-Site Improvements |

CROSS REFERENCES

Completion of improvements - see Municipalities Planning Code §509 et seq. (53 P.S. 510509)

Sidewalk and curb specifications - see S.U. & P.S. Art. 913

1181.01 IMPROVEMENTS REQUIRED.

The Applicant shall provide all improvements required by these regulations. The specifications for the improvements contained herein, or in the Township Engineering Specifications ordinance, shall apply.

1181.2 MONUMENTS AND MARKERS

1181.3 (a) Monuments must be set:

- (1) At the intersection of lines forming angles in the boundaries of the subdivision or land development;
- (2) At such intermediate points as may be required by the Municipal Engineer.

(b) Markers shall be set:

- (1) At all corners except those monumented;
- (2) At the intersections of all street right-of-way lines; and
- (3) By the time the property is offered for sale.

(c) Monument and markers shall be the following sizes and made of the following materials:

Improvements and Construction Requirements

1181.03

(1) Monuments shall be four (4") inches square or four (4") inches in diameter and shall be thirty (30") inches long. Monuments shall be made of concrete, stone, or by setting a 4" cast or steel pipe filled with concrete.

(2) Markers shall be three quarters (3/4") of an inch square or three quarters (3/4") of an inch in diameter and thirty (30) inches long. Markers shall be made of iron pipes or iron or steel bars.

(d) Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

1181.03 STREET AND DRIVEWAY SURFACING

(a) Pavements and Construction. Street must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the Applicant and approved by the Board of Commissioners. Before paving the street surface the Applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Board of Commissioners. All streets shall be constructed in accordance with the most recent Pennsylvania Department of Transportation specifications as follows:

Classification of Street	Pavement Design			Surface Course
	Subbase	CABC	BCBC	
Collector Street	4"	10"	6"	2 1/2" ID-2 or ID-3
	4"*			1" ID-2 or ID-3 5"-10" PCC*
Minor Street and other street	2"	8"	5"	2 1/2" ID-2 or ID-3
	4"*			1" ID-2 or ID-3 5"-10" PCC*

Meaning of Abbreviations:

CABC Crushed Aggregate Base Course
Using 4" Aggregate in accordance with PennDOT Specifications

BCBC Bituminous Concrete Base Course
In accordance with PennDOT 408 Specifications

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ID-2 or 1-1/2" binder and/or 1" wearing course in accordance
ID-3 with PennDOT 408 Specification.

Subbase 2A Aggregate in accordance with PennDOT 408 Specification.

PCC Plain Cement Concrete in accordance with PennDOT Specifications.

* Subbase and thickness based upon engineering design.

(b) Arterial Streets For the construction of arterial streets, the Applicant shall be governed by the most recent requirements of Pennsylvania Department of Transportation.

(c) Shoulders The base course shall consist of six (6") inches of compacted stone, gravel or slag constructed according to the specifications set forth in Sub-base, in the Pennsylvania Department of Transportation, Form 408, "Specifications", as amended from time to time. The bituminous seal coat shall be constructed in accordance with the applicable requirements of the Pennsylvania Department of Transportation, Form 408, "Specifications", as amended from time to time.

(d) Driveway Entrances Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as specified above. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk. Within the public right-of-way all driveways shall be paved with 4" of Portland Cement concrete or 1" of bituminous material over a 4" aggregate base. This shall apply to the apron section between the curb and sidewalk and sections between the sidewalk and the public right-of-way line. The sidewalk grade and material shall take priority over the driveway. Concrete apron shall be separated from the curb by expansion material.

1181.04 SANITARY SEWERS

(a) Where a public sanitary sewage system is available within one thousand feet of, or where plans approved by the Board of Commissioners or Authority provide for the installation of such public sanitary sewage facilities to within one thousand (1,000) feet of a proposed subdivision or land development Applicant shall provide a complete public sanitary sewer system including interceptor, manholes, laterals, and appurtenances as designed by a Registered Professional Engineer in accordance with Article 939, and shall connect the same to the existing public sanitary sewer system or provide for the construction thereof to the proposed public sanitary sewer system at the terminus thereof as shown on the approved plan and the termini of said lines so installed but not connected shall be capped by the Applicant.

Where it is necessary to cross lands not owned by the Applicant in order to connect, or provide for the connection of the sanitary sewer system, the Applicant shall not be required to make said connection but, in lieu thereof, shall contribute the cost thereof to the Township or the Authority which shall make the connection and construction and costs of eminent domain proceedings including all filing fees, condemnee damages, expert witness fees, surveying, engineering, and attorney's fees.

(b) Where a public sanitary sewer system is not available in one thousand (1000) feet of, or where no plans have been approved by the Board of Commissioners or Authority to provide for the installation of such sewer facilities to within (1,000) of a proposed subdivision or land development, but such facilities will, in the opinion of the Board of Commissioners or Authority, become available within a period of ten (10) years,

the Applicant shall install in the subdivision or land development a complete sanitary sewer system including interceptor, manholes, laterals, and appurtenances as designed by a Registered Professional Engineer in accordance with Article 939 connecting lines to such proposed sanitary sewer system and said Applicant shall cap all termini thereof. I

(c) Where installation of a sanitary sewer system is not required under the aforesaid provisions of this Section 1181.04 or if required and a public sanitary sewer system is not then available for use, the Applicant shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the rules, regulations, requirements and standards of the Pennsylvania Department of Environmental Resources, and shall be approved by the Township Sewage Enforcement Officer.

(d) Where the installation of a sanitary sewer system is required as herein provided, the Engineer of the Township and/or Engineer of the Authority shall approve the design thereof and shall supervise and inspect construction of all sanitary sewers constructed by the Applicant in order to give assurance that the said sanitary sewer system will coordinate and have congruity with the overall comprehensive sewer plans of the Township or Authority. All sewage pumping stations and interceptors to be installed by the Applicant shall be designed Registered Professional Engineer in accordance with Article 939 and approved by the Engineer of the Township and/or the Engineer of the Authority who shall supervise and inspect construction thereof.

(e) Design, approval of design, supervision and inspection fees of the Engineer of the Township and/or the Engineer of the Authority, required under this Section 1181.04 shall be paid by the Applicant.

1181.05 WATER SUPPLY

(a) Where a public water main supply system is within 1,000 feet of, or where plans approved by the Township or public utility provide for the installation of such public water facilities to within 1,000 feet of a proposed subdivision or land development, the Applicant shall provide the subdivision or land development with a complete public water main supply system to be connected to the existing or proposed public water main supply system.

(b) Where installation of a public water main supply system is not required, the Applicant shall provide for each lot, at the time improvements are erected thereon, an adequate supply of potable water in accordance with Article 16, Individual Water Supply, of the BOCA Plumbing Code, 1984, as amended from time to time, the Safe Drinking Water Act, and Pennsylvania Department of Environmental Resources regulations.

(1) Where the Applicant proposes that an individual on-site water supply system shall be utilized in a subdivision or land development, Applicant shall be responsible either to install such facilities or to guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision or land development, that the facilities can be installed by the purchaser of such lot or parcel.

(2) Any subdivision or land development located in the Ground Water Availability Problem Areas as identified in the Comprehensive Plan, 1986, shall utilize a public water main supply system, or the Applicant shall provide evidence of availability of such adequate supply to potable water by drilling prior to submission of a Preliminary Plat.

(3) When feasible, the subdivision or land development may be provided with a central water supply system

A. The design, materials, and installation of such a system shall be in accordance with the standards of applicable governmental agencies and the public utility providing service in the area of the Township to insure future integration therewith.

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- B. Applicant shall make provision for continued operation, maintenance and management thereof.
 - C. A minimum pressure of 30 pounds per square inch shall be provided for each dwelling unit and for each commercial or industrial use connected to the system.
 - D. Prior to submission of a Preliminary Plat, Applicant shall submit a technical report entitled "Proposed Public Water Supply Study" as evidence of availability of an adequate supply of potable water, indicating source, treatment, storage and distribution of water for proposed system.
 - E. If a single well is proposed, it shall be capable of providing twice the daily average demand as demonstrated by a pumping test of at least 48 hours duration producing a stabilized drawdown of unchanging water level for at least five (5) hours duration.
 - F. A second well is recommended for use as a monitor of the aquifer and as a standby in the event of emergency.
- (4) Fire hydrants shall be subject to the provisions Article 1181.06.

(c) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the applicant shall present evidence that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. (Ord. 90-5 Passed 5-14-90)

1181.06 FIRE HYDRANTS

(a) In order to insure that adequate fire protection is available for the safety of the residents of Lower Allen Township, all subdivisions, Planned Residential Developments or land development plans shall provide for the installation of fire hydrants in accordance with the provisions of this section, in areas served or proposed to be served by public water supply systems.

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(b) All new fire hydrants shall comply with the following requirements:

- (1) Spacing of hydrants shall be four hundred (400) feet in commercial, industrial or multi-family areas. All other properties shall be within six hundred (600) feet of a hydrant as measured along the roadway.
- (2) All hydrants shall be placed with the steamer nozzle facing toward the street or parking lot and shall be located so that they are accessible to within five (5) feet by fire apparatus.
- (3) All hydrants shall provide two (2) 2-1/2 inches base nozzles and one (1) 4-1/2 inch steamer nozzle in accordance with Riverton Consolidated Water Company Sketch No. 853 dated 1954.
- (4) Fire flows shall not be less than 500 GPM in the single-family residential areas and 1,000 GPM in the commercial, industrial and multi-family areas at twenty (20) psi residual pressure.
- (5) The water system supplying the hydrants shall be capable of meeting maximum domestic consumption at all times plus required fire flow for a minimum duration of two (2) hours.
- (6) The Board of Commissioners may grant an alteration to these requirements based upon the written recommendation of a licensed fire prevention engineer.

1181.07 CURBS

Curbs shall be installed in all subdivisions or land developments, as follows:

- (a) All curbs shall be vertical plain cement concrete constructed in accordance with specifications and design standards of Pennsylvania Department of Transportation Publication 408 Specification, as amended from time to time, including but not limited to excavation, forms, placing, finishing, curing, joints and all materials.
- (b) All new curbs shall be eight inches wide tapering to seven inches at the top with an eight inch face reveal. Curb depth shall be a minimum of eighteen inches as per Standard Drawings, or can be twenty-two inches.

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(c) Handicapped ramps shall be provided, where feasible, at all intersections and crosswalks if there is no driveway depression in the curb within one hundred feet.

(d) The line and grade of all curbs and ramps shall be set forth on the final subdivision or land development plat, and said curbs and ramps shall be set and finished to said line and grade.

1181.08 CURB RAMPS

The applicant shall provide ramps or curb cut ramps when making new installation of sidewalks or curbs or improving or replacing existing sidewalks or curbs. Curb cut ramps will not required when an existing single family dwelling has curb and sidewalk and there is a replacement of only one item, curbing or sidewalk. Ramps shall be constructed in accordance with the Guidelines and Design criteria contained in Pennsylvania Department of Transportation. Publication 70, entitled, "Guidelines for Design of Local Roads and Streets", as amended from time to time. The Board of Commissioners may waive installation of ramps where not feasible, at hazardous locations, or at unavoidable permanent obstructions.

1181.09 SIDEWALKS

Sidewalks shall be installed in all subdivisions or land developments, except that the Board of Commissioners may waive installation of sidewalks for commercial, industrial or other special type uses unless the evidence indicates that sidewalks are necessary for public safety.

- (a) Sidewalks shall be installed one (1') foot from the right-of-way of the street and shall extend toward the curb line.
- (b) Sidewalks must be not less than four feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, sidewalks must be not less than five feet wide and located within the street right-of-way.
- (c) All sidewalks shall be four inches of cement concrete on an aggregate bed which shall be constructed in accordance with the specifications as set forth in Pennsylvania Department of Transportation Publication 408 Specifications, 1983, Section 676, as amended from time to time, including but not limited to preparation of foundation, aggregate bed, forms, concrete, joints, curbing, and all materials.

(d) SPECIAL SIDEWALKS ON PUBLIC OR PRIVATE PROPERTY.

The Board of Commissioners, upon request, may approve substitute materials for landscaping purposes on public or private property when the Township Engineer provides an opinion that the substitute material shall have an expected life of not less than 20 years.

1181.10 SOLID WASTE DISPOSAL FACILITIES

All solid waste disposal facilities for other than single-family detached residential dwellings shall be included so as to contain loose trash and eliminate visibility at solid waste containers. Pavement of truck loading area shall be concrete at least eight (8") inches thick or fifty (50%) percent increase in base and paving thereon.

1181.11 OFF-SITE IMPROVEMENTS

Applicant, as a condition precedent to final approval of a Plat, shall install or pay all or his pro-rata share of the cost of providing reasonable and necessary street improvements, walkways, curbs, gutters, street lights, fire hydrants, water facilities, sewage facilities, drainage facilities, traffic control devices, and other improvements and easement therefor, located outside the property limits of the subdivision or land development but necessitated or required in whole or in part by construction or improvement within such subdivision or land development. Such improvements or contribution shall be based upon the comprehensive plan, taking into consideration present and future land uses, streets, water supply and distribution facilities, drainage and flood control facilities, sewage and waste treatment, solid waste disposal and other related facilities. Such improvements or contribution shall also be based upon the benefit conferred upon the subdivision or land development, the cost of the improvements, and the extent to which the improvements are necessary by reason of the proposed subdivision or land development.

Improvement shall include but not be limited to the following:

- (a) Connect new sidewalks to existing sidewalk within 150 feet to provide a continuous system for use by pedestrians.
- (b) Extend new curbs to existing curbs within 150 feet to provide a continuous gutter.
- (c) Enlarge or upgrade existing offsite open channel drainage facilities within 100 feet to provide a continuous enclosed system.

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- (d) Enlarge or upgrade existing offsite undersized drainage facilities within 500 feet that can cause flooding on the site of new development or subdivision.
- (e) Enlarge or upgrade existing offsite undersized drainage facilities within 1320 feet that can cause flooding because of diversion of surface water.
- (f) Provide any required traffic signals or traffic facilities required to serve the new development or subdivision based upon traffic generated.
- (g) Extension of Sanitary Sewer Facilities within 1,000
- (h) Extension of Water facilities within 1,000 feet.

1181.12 TRENCHES

- (a) Applicant shall be responsible for ensuring that all trenches in the subdivision, land development, or Planned Residential Development have been properly backfilled so that there is no settlement or void under the street, sidewalks or drainage facilities. When a settlement or void does occur, the applicant will be responsible for remedy or correction thereof continuously and for a period of eighteen (18) months after acceptance.
- (b) All trenches excavated for drainage facilities, utilities or for any other reason shall be properly backfilled; which shall include bedding and backfill compacted in twelve (12") inch layers. Backfill shall be free of rock. Pushing of dirt into the trench and then attempting compaction from the top of the trench shall not be permitted. The more stringent regulation of Lower Allen Township Authority of a utility shall apply.

1185.01	Definitions.	1185.11	Special requirement
1185.02	Plat requirements and processing procedure.		for mobile homes in any designated flood plain district.
1185.03	Design standard.		
1185.04	Environmental, open space and access requirements.	1185-12	Fees and permits.
1185.05	Water supply.	1185.13	Transfer or ownership; permit renewal; permit suspension.
1185.06	Electric distribution system.		
1185.07	Fuel supply and storage.	1185.14	Inspection of mobile home parks.
1185.08	Sewage disposal.		
1185.09	Mobile homes not located in mobile home park.	1185-15	Notices, hearing and orders.
1185.10	Removal of mobile homes.		

1185.01 DEFINITIONS

As used in this article, except where the context clearly indicates otherwise, the following words or phrases have the meaning indicated below:

- (a) "License" means the written license or certificate of registration issued by the State Health Department allowing a person to operate and maintain a mobile home park.
- (b) "Mobile home" means 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.
- (c) "Mobile home lot," a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.
- (d) "Mobile home park," a parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome lots.
- (e) "mobilehome stand" means that part of an individual lot which has been reserved for the placement of the mobilehome, appurtenant structures or additions.
- (f) "Municipality" means the Board of Commissioners of Lower Allen Township, or such officials as may be designated by the Board of Commissioners to perform the duties imposed upon them by this Subdivision and Land Development Ordinance.
- (g) "Permit" means a written permit issued by the Municipality or its authorized agent permitting the construction, alteration and extension of a mobilehome park under the provisions of this Subdivision and Land Development Ordinance and regulations issued hereunder.
- (h) "Person" means any individual, firm, trust, partnership, public or private association or corporation.
- (i) "Service building" means a structure housing toilet, lavatory, and such other facilities as may be required by this Subdivision and Land Development Ordinance.
- (j) "Sewer connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobilehome to the inlet of the corresponding sewer riser pipe of the sewer system serving the mobilehome park.
- (k) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobilehome lot.
- (l) "Water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobilehome.
- (m) "Water riser pipe" means that portion of the water supply system serving the mobilehome park which extends vertically to the ground elevation and terminates at a designated point at each mobilehome lot.
- (n) "Water service pipe" means the pipe consisting of pipes, fittings, valves and appurtenances from the water main on the mobilehome park distributing system to the water outlet of the distribution system within the mobilehome.

1185.02 PLAT REQUIREMENTS AND PROCESSING PROCEDURE

The plat requirements and processing procedure for subdivision or land development as a mobilehome park shall be in accordance with the requirements contained in Article 1173 of this Ordinance. In addition, the final plat shall contain the following information:

- (a) Complete engineering plans and specifications of the proposed park showing:
 - (1) The location of service buildings and any other proposed structure.
 - (2) The location of water and sewer lines and riser, pipes.
 - (3) Water supply and refuse and sewage disposal facilities.

- (4) All buildings constructed or to be constructed within the mobilehome park.
- (5) The location and details of lighting and electric system.

1185.03 DESIGN STANDARDS

The arrangement and other design standards of streets, easements, blocks, lots, stormwater management and erosion and sedimentation control shall be in accordance with the requirements contained in Article 1177 of this Ordinance except as otherwise set forth in this Article 1185.

1185.04 ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS

(a) General Requirements. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall for any purpose which would expose persons or property to hazards.

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(b) Soil and Ground Cover. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings or solid materials, or protected with a vegetable growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Site Drainage. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(d) Park Areas for Nonresident Uses.

(1) No part of any park shall be used for a nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(e) Required Separation Between Mobile Homes.

(1) Mobile homes shall be separated from each other and from other buildings and structures by at least twenty feet, provided that mobile homes placed end to end may have a clearance of fifteen feet where opposing rear walls are staggered.

(2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(f) Required Recreation Area.

(1) In all parks accommodating or designed to accommodate twenty-five or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

(2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(3) Recreation areas shall be so located as to be free of traffic hazards and should where topography permits, be centrally located.

(g) Required Setbacks, Buffer Strips and Screening.

(1) All mobile homes shall be located at least twenty- five feet from any property boundary line abutting upon a public street or highway, and at least fifteen feet from other park property boundary lines.

(2) There shall be a minimum distance of fifteen feet between an individual mobile home and

- A. Adjoining pavement of a park street,
- B. Adjoining recreation area,
- C. Parking area or
- D. Other common areas.

(3) All mobile home parks located adjacent to industrial or commercial land use shall be provided with screening such as fences, or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

(h) Park Street System.

(1) General requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

(2) Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-four feet where parking is permitted on both sides or a minimum road pavement width of twenty-seven feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting mobile lots within such distance, the minimum road pavement width may be twenty-four feet provided parking is prohibited at both sides.

(3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

- A. Where parking is permitted on both sides, a minimum width of thirty-four feet will be required.

- B. A minimum road pavement width of twenty-eight feet will be required where parking is limited to one side.
- C. Dead-end streets shall be provided at the closed end with a turn around having an outside roadway diameter of at least sixty feet.
- (4) Require illumination. All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicle at night:
 - A. All parts of the park street systems: 0.6 foot candle with a minimum, of 0.1 foot candle.
 - B. Potentially hazardous locations, such as major street intersections and steps or step ramps; individually illuminated with a minimum of 0.13 foot candle.
- (5) Street construction and design standards.
 - A. Pavement., All streets shall be provided with a smooth, hard and dense surface which shall be durable, well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wear surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
 - B. Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent. Short runs with a maximum grade of twelve percent may be permitted provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
 - C. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of off-set intersecting streets. Intersections of more than two streets at one point shall be avoided.
- (i) Required Off -Street Parking Areas.
 - (1) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 1.25 car spaces for each mobile home lot.
 - (2) Required car parking spaces shall be so located as to provide convenient access to the mobile home but shall not exceed distance of the 200 feet from the mobile home that it is intended to service.
- (j) Walks.
 - (1) General requirements. All parks shall be provided with safe, convenient, all season pedestrian accessways of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park residents. Sudden changes in alignment and gradient shall be avoided.
 - (2) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one half feet.
 - (3) Individual walks. All mobile home stands shall be connected to common walks, to paved streets or paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.
- (k) Stands. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the super structure against uplift, sliding or rotation.

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- (1) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (2) The mobile home stand shall be provided with anchors and tiedowns such as cast in place concrete "deadmen."
- (3) Anchors and tiedowns shall be placed at least at each corner of the mobilehome stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
- (1) Area. A mobilehome park shall have an average gross per mobilehome stand of not less than 3,500 square feet.

1185.05 WATER SUPPLY.

- (a) General Requirements. An accessible, adequate, safe potable supply of water shall be provided in each mobilehome park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water system may developed and used as approved by the Pennsylvania Department Health.
- (b) Source of Supply.
 - (1) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobilehome.
 - (2) Every well or suction line of water supply shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
 - (3) No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
 - (4) Water supply treatment, if necessary, shall be in accordance with the requirements of the Department of Health.
- (c) Water Storage Facilities. All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall

be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

(d) Water Distribution System.

(1) The water system of the mobile home park, shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.

(2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations and requirements, and shall be of a type and in locations approved by the Department of Health.

(3) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.

(4) The system shall be so designed and maintained as to provide a pressure of not less than twenty pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

(e) Individual Water-Riser Pipes and Connections.

(1) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connections will approximate a vertical position.

(2) The water-riser pipe shall extend at least four inches above ground elevation. The pipe shall be at least three-fourths of an inch. The water outlet shall be capped when a mobile home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(4) A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot.

(5) Underground stop and waste valves shall not be installed on any water service.

1185.06 ELECTRICAL DISTRIBUTION SYSTEM.

(a) General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems or other applicable Township ordinance.

(b) Power Distribution Lines.

(1) Main power lines not located underground shall be suspended at least twenty-two feet above the ground. There shall be a minimum horizontal clearance of three feet between overhead wiring and any mobile home, service building or other structure.

(2) All direct burial conductors or cable shall be buried at least twenty-two inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communications lines.

(c) Individual Electrical Connections. Each mobile home shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

(d) Required Grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

1185.07 FUEL SUPPLY AND STORAGE.

(a) Natural Gas System.

(1) Natural gas piping systems installed in mobile home parks shall be maintained in conformity with accepted engineering practices and other applicable Township ordinance.

(2) Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(b) Liquefied Petroleum Gas Systems.

(1) Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the authority having jurisdiction and shall include the following:

A. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

B. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

C. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

D. Vessels of more than twelve and less than sixty U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.

E. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specially approved by the authority having jurisdiction.

(c) Fuel Oil Supply Systems.

(a) All fuel oil supply systems provided for the mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

(2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

(3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within five inches of storage tanks.

(4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit.

(5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

1185.08 SEWAGE DISPOSAL.

(a) General Requirement. An adequate and safe sewerage system shall be provided in all parts for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Health or Township ordinances or regulations.

(b) Individual Sewer Connections.

(1) Each mobile home lot shall be provided with at least a three-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand, that the sewer connection to the mobile home drain outlet will approximate a vertical position.

(2) The sewer connection (See 1185.01(j)) of not less than three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. All joints shall be watertight.

(3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half inch above ground elevation.

(c) Sewer Lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of approved materials by the Township and shall have watertight joints.

(d) Sewage Treatment and/or Discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Health and the Township prior to construction.

1185.09 MOBILE HOMES NOT LOCATED IN A MOBILE HOME PARK.

(a) Where a mobile home is used for human habitation and is not located in a mobile home park, the lot on which the mobile home is situated shall comply with the requirements of the Zoning Ordinance and the requirements of Subdivision and Land Development Ordinance. The mobile home shall comply with the same requirements as is required for a single-family detached dwelling.

(b) Before erecting or placing a mobile home on a lot, a building permit shall be obtained from the Building Inspector of Lower Allen Township, under the same procedure and requirements as is set forth in the Building Code. The fee for the building permit shall be the same as the fee charged for the construction of a new building or structure.

1185.10 REMOVAL OF MOBILE HOMES.

No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from Lower Allen Township without first obtaining a permit from the Lower Allen Township Tax Collector, as required by Act No. 54 of the Pennsylvania General Assembly, Session of 1969. Such permit shall be issued upon payment of the prescribed fee and all real estate taxes assessed against the home and unpaid at the time the permit is requested.

1185.11 SPECIAL REQUIREMENTS FOR MOBILE HOMES IN ANY DESIGNATED FLOOR PLAIN DISTRICT.

(a) All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements, NFPA No. 501A-1974, ANSI A119.3-1975, as amended for mobile homes in hurricane zone or other appropriate standards such as the following:

(1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units fifty feet or more in length, and one additional tie per side for units less than fifty feet in length;

(2) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units fifty feet or more in length, and four additional ties per side for units less than fifty feet in length;

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(b) All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

(1) The stands or lots shall be elevated or compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the regulatory flood as defined in Section 1321.02(u) of Article 1321;

(2) Adequate surface drainage is provided;

(3) Adequate access for a hauler is provided;

(4) Where pilings are used for elevation, the lots

shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten feet apart. Reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.

(c) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Board of Commissioners for mobile home parks and mobile home subdivisions where appropriate.

(d) No mobile homes shall be placed in any Floodway District (FW).

1185.12 FEES AND PERMITS.

(a) Fees

At the time of filing the Preliminary Plat and the Final Plat for the development of a tract of land for a mobile home park, the Applicant shall be required to pay to the Township fees in accordance with the requirements of ARTICLE 1169 of this Ordinance and secure a permit.

(b) Mobilehome Park Permits

Any person intending to develop a tract of land as a mobilehome park shall have a permit from the Township for each such park, issued in accordance with the following requirements:

(1) Such permit shall be issued by the Codes Administrator upon proper application and submission of evidence of compliance with the provisions of this Ordinance and all other applicable legal requirements, and upon payment of a fee provided herein.

(2) Each permit shall be valid for one year, from the date of issue.

(3) Each application shall be accompanied by a fee, payable to the Township, of twenty-five (\$25) dollars plus one dollar for each mobilehome lot in the mobilehome park. The permit fee shall constitute the fee for the first year commencing with the date of notice of approval of the application

(4) The first application for a permit for a mobilehome park proposed for development, following the effective date of this Ordinance, shall be made to the Municipal Code Enforcement Officer on a form provided and shall be submitted together with copies of the following:

A. A copy of the approved Final Plat signed by the Board of Commissioners.

B. A receipt signed by the recorder of deeds, showing that the mobilehome park plat has been publicly recorded.

C. A permit issued by the Department of Environmental Resources as required by the Chapter 179, Title 25, Rules and Regulations, Mobile home Park.

(5) The first application for a permit for a mobilehome park existing on the effective date on this Ordinance shall be made to the Codes Administrator on a form provided and shall be submitted together with copies of the following.

A. A copy of the plan submitted to the Pennsylvania Department of Environmental Resources as required by Chapter 179, Title 24, Rules and Regulations, Mobilehome Parks.

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B. A permit issued by the Department of Environmental Resources as required by Chapter 179, Title 25, Rules and Regulations, Mobilehome Parks.

C. A receipt signed by the recorder of deeds showing that the mobilehome park plat has been publicly recorded together with the Deed Book and page number indicated and a copy of the recorded plat.

(6) Application for the annual renewal of a permit shall be made by the holder of the permit, to the Codes Administrator on a form provided, within fourteen (14) days preceding expiration of the preceding permit period, and shall be accompanied by a fee as required in Paragraph b-3 above and any changes since the preceding permit was issued.

The Codes Administrator shall inspect each mobilehome park prior to the issuance of a permit for conformance with the provisions of this Ordinance and all other applicable legal requirements.

(7) It shall be incumbent upon the owner of a mobilehome park to keep a register and to report therein the name of the person or head of family occupying each mobilehome; the date of entry on said land; license number of automobile; serial number, make and size of trailer; and the names of all persons living in the mobilehome park.

(8) The register and mobilehome park shall be subject to inspection by the Codes Administrator, or upon the request of the Board of Commissioners.

1185.13 TRANSFER OF OWNERSHIP; PERMIT RENEWAL; PERMIT SUSPENSION;
TEMPORARY PERMIT.

(a) No person shall operate any mobile home park within the limits of Lower Allen Township unless he holds a valid license in the name of such person for the specific mobile home park and also a permit issued by the Township hereunder. All applications for licenses and permits shall be made to the Department of Health and the Municipality respectively, which shall issue a permit upon compliance by the applicant with provisions of this Subdivision and Land Development Ordinance and regulations issued hereunder and other applicable legal requirements.

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(b) Every person holding a license and permit shall give notice in writing to both the Pennsylvania Department of Health and the Municipality within ten days after having sold, transferred or otherwise disposed of interest in or contro, of any mobilehome park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobilehome park. Upon application in writing for transfer of the permit and

deposit of a fee of One Hundred (\$100.00) dollars, the permit shall be transferred if the mobile home park is in compliance with all applicable provisions of this Ordinance and regulations issued hereunder. In the event of transfer of the certificate of registration by the Department of Health, proof of such transfer shall be furnished to the Municipality within a period of ten days.

(c) Applications for a renewal of a permit shall be made in writing by the holder of the permit, shall be accompanied by the deposit of a fee of twenty-five dollars (\$25.00) and shall contain any change in the information submitted since the original permit was issued or the latest renewal granted.

(d) Any person whose application for a permit under this Subdivision and Land Development Ordinance has been denied may request and shall be granted a hearing on the matter before the Board of Commissioners under the procedure provided by Section 1185.15.

(e) Whenever, upon inspection of any mobile home park, the Township finds that conditions or practices exist which are in violation of any provision of this Ordinance or regulations issued hereunder, the Township shall give notice in writing in accordance with Section 1185.15(a), to the person to whom the permit was issued that unless such conditions or practices are corrected within a reasonable period of time as specified in the

notice by the Township, the permit shall be suspended. At the end of such period the Township shall re-inspect the mobilehome park and, if such conditions or practices have not been corrected, the person shall be suspended and notice given in writing of such suspension to the person to whom the permit is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park, except as provided in Section 1185.15(b).

(f) Any person whose permit has been suspended, or who has received notice from the Township that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Board of Commissioners or under the procedure provided by Section 1185.15. However, when no petition

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For such hearing has been filed within ten days following the day on which the notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten day period.

(g) A temporary permit, upon written request therefor, may be issued by the Board of Commissioners for every mobilehome park in existence at the effective date of this Subdivision and Land Development Ordinance, permitting the mobile home park to be operated during the period ending 180 days after the effective date of this Ordinance in accordance with such conditions as the Municipality may require.

(h) The term of the temporary permit shall be extended, upon written request, for not to exceed one additional period of 180 days, if:

(1) The permittee has filed an application for a permit in conformity with subsection (c) hereof within ninety days after the effective date of this Ordinance;

(2) The plans and specifications accompanying the application for the permit comply with all provisions of this Ordinance and all other applicable ordinances and statutes;

(3) The permittee shall have diligently endeavored to make the existing mobile home park conform fully to the plans and specifications submitted with the applications, and

(4) Failure to make the existing mobile home park conform fully to such plans and specifications shall have been due to causes beyond the control of the permittee.

1185.14 INSPECTION OF MOBILE HOME PARKS.

(a) The Codes Administrator is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this Subdivision and Land Development Ordinance and regulations issued hereunder.

(b) The Codes Administrator shall have the power to enter reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

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(c) The Codes Administrator shall have the power to inspect the register containing a record of all residents of the mobilehome park.

(d) It shall be the duty of the owners or occupants of the mobilehome park and mobilehomes contained herein, or of the person in charge thereof, to give the Codes Administrator access to such premises at reasonable times for the purpose of inspection.

(e) It shall be the duty of every occupant of the mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with this Ordinance and regulations issued hereunder, or with any lawful order issue pursuant to the provisions of this Ordinance.

1185.15 NOTICES, HEARINGS AND ORDERS.

(a) Whenever the Municipality determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article 1185 or regulations issued hereunder, notice shall be given of such alleged violation to the person whom the permit or license was issued, as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for issuance;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the person or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such person or agent when a copy thereof has been sent by certified mail to his last known address, or when it has been served by such notice by any method authorized or required by the laws of this State;

(5) Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance and regulations issued hereunder

(b) Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Article 1185 or regulations issued hereunder, may request a hearing on the matter before the Board of Commissioners, provided that such person file in the office of the Township a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice was served. The filing of this request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under subsection (e) hereof. Upon receipt of such petition, the Board of Commissioners shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, provided that upon application of the petitioner the Board of Commissioners may postpone the date of the hearing for a reasonable time beyond such ten day period when in their judgment there is good and sufficient reasons for such postponement.

(c) After such hearing the Board of Commissioners shall make findings as to compliance with the provisions of this Article and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in subsection (a)(4) hereof. Upon failure to comply with any order sustaining or modifying a notice the permit of the mobilehome park affected by the order shall be revoked.

(d) The proceedings at such a hearing, including the findings and decisions of the Board of Commissioners and together a copy of every notice and order related thereto shall be entered as matter of public record in the office of the Board of Commissioners but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Board of Commissioners may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this State.

(e) Whenever the Municipality finds that an emergency exists which requires immediate action to protect the public, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately, but, upon a petition to the Board of Commissioners, shall be afforded a hearing within ten days after the filing thereof as hereinbefore provided.

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SECTION II

The Provisions of this ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall it

affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The Provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners of Lower Allen Township that this Ordinance would have been adopted had such unconstitutional illegal, or invalid provisions not been included.

SECTION IV

This Ordinance shall take effect April 2, 1987.

ENACTED AND ORDAINED into an Ordinance this 9th day of December, 1986.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

/s/Ronald J. Mull
Secretary

/s/Richard F. Schin
President

CODIFIED ORDINANCES OF LOWER ALLEN TOWNSHIP PART TWELVE - STORMWATER
MANAGEMENT

TITLE ONE - Stormwater Management
Art. 1201. Stormwater Management

SEE LOWER ALLEN TOWNSHIP ACT 167 STORMWATER MANGEMENT ORDINANCE,
ORDINANCE NO. 2002-09, ADOPTED BY THE BOARD OF COMMISSIONERS NOVEMBER 12,
2002.

ORDINANCE NO. 88-6
AN ORDINANCE OF THE TOWNSHIP OF LOWER ALLEN, CUMBERLAND COUNTY,
PENNSYLVANIA, AMENDING,
CHANGING, AND MODIFYING THE CODIFIED ORDINANCES
OF LOWER ALLEN TOWNSHIP, 1985, SECTION 1181.03(a), DEALING WITH PAVEMENTS AND
CONSTRUCTION, SECTION 1181.06(b)(3), DEALING WITH FIRE HYDRANTS, AND SECTION
1181.12, DEALING WITH TRENCHES.
BE IT ENACTED AND ORDAINED by the Board of Commissioners of Lower Allen Township,
Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same:

SECTION I

Section 1181.03(a), Article 1181, Part Eleven, Title Three of the Codified Ordinances of Lower Allen Township, 1985, shall be and is hereby amended to read as follows:

(a) Pavements and Construction. Street must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the Applicant and approved by the Board of Commissioners. Before paving the street surface the Applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Board of Commissioners. All streets shall be constructed in accordance with the most recent Pennsylvania Department of Transportation specifications as follows:

Classification of Street	Pavement Design			Surface Course
	Subbase	CABC	BCBC	
Collector Street		10"		2-1/2" ID-2 or ID-3
	4"		6"	1" ID-2 or ID-3
	4"*			5"-10" PCC*
Minor Street and other Street		8"		2-1/2" ID-2 or ID-3
	2"		5"	1" ID-2 or ID-3
	4"*			5"-10" PCC*

Meaning of Abbreviations:

- CABC Crushed Aggregate Base Course
Using 4" Aggregate in accordance with PennDOT Specifications.
- BCBC Bituminous Concrete Base Course
In accordance with Penn DOT 408 Specification.
- ID-2 or ID-3 1 ½" binder and/or 1" wearing course in accordance with PennDOT 408 Specifications
- Subbase 2A Aggregate in accordance with PennDOT 408 Specifications.
- PCC Plain Cement Concrete in accordance with PennDOT Specifications.

* Subbase and thickness based upon engineering design.

SECTION II

Section 1181.06(b)(3), Article 1181, Part Eleven, Title Three of the Codified Ordinances of Lower Allen Township, 1985, shall be and is hereby amended to read as follows:

(3) All hydrants shall provide two (2) 2-1/2 inch hose nozzles and one (1) 4-1/2 inch steamer nozzle in accordance with Riverton Consolidated Slater Company Sketch No. 853 dated 1954.

SECTION III

Article 1181, Part Eleven, Title Three of the Codified Ordinances of Lower Allen Township, 1985, shall be and is hereby amended to add Section 1181.12 which reads as follows:

1181.12 TRENCHES

(a) Applicant shall be responsible for ensuring the all trenches in the subdivision, land development, or Planned Residential Development have been properly backfilled so that there is no settlement or void under the street, sidewalks or drainage facilities. When a settlement or void does occur, the applicant will be responsible for remedy or correction thereof continuously and for a period of eighteen (18) months after acceptance.

(b) All trenches excavated for drainage facilities, utilities or for any other reason shall be properly backfilled; which shall include bedding and backfill compacted in twelve (12") inch layers. Backfill shall be free of rock. Pushing of dirt into the trench and then attempting compaction from the top of the trench shall not be permitted. The more stringent regulation of Lower Allen Township Authority of a utility shall apply.

SECTION IV

The provisions of this Ordinance, so far as they are the same as those of Ordinances enforced immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Ordinance shall not effect any act done or liability incurred, nor shall it effect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority or any ordinance repealed by this Ordinance.

SECTION V

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of

any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not be included herein.

SECTION VI

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 22nd day of August 1988.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

By:
(Vice) President

ORDINANCE NO. 90-5

AN ORDINANCE OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, CHANGING, AND MODIFYING THE CODIFIED ORDINANCES OF LOWER ALLEN TOWNSHIP, 1985, SECTION 1165.01(a), SECTION 1169.03, SECTION 1169.05, SECTION 1169.06, SECTION 1169.99, SECTION 1173.04(d), SECTION 1173.06(a)(2), SECTION 1173.06(c), SECTION 1173.06(d), SECTION 1177.02(k)(6) and SECTION 1181.05(c)

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same:

SECTION I

Section 1165.01(a) of Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

(4) "Application for development" means every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

(17) "Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

(30) "Development plan" means the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Zoning Ordinance shall mean the written and graphic materials referred to in this definition.

(57) "Land Development" means any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land Development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

(58) "Landowner" means 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 condition), a lease if he is

authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

(59) "Lot" means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

A. "Double frontage lot" means a lot which abuts a street on two or more opposing or non- adjacent sides.

B. "Reverse frontage lot" means a lot extending between, and having frontage on, an arterial street and minor street, and with vehicular access solely from the latter.

(63) "Mobilehome" means a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days. It also includes manufactured homes.

(64) "Mobilehome lot" means a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

(65) "Mobilehome park" means a parcel of contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

(78) "Planned residential development" means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Zoning Ordinance.

(86) "Public grounds" includes:

A. parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

C. publicly owned or operated scenic and historic areas.

(86)A "Public Hearing" means a formal meeting held pursuant to public notice by the Board of Commissioners or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

(86)B "Public Meeting" means a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

(87) "Public notice" means notice published once each 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 not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

113) "Subdivision" means 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, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(114) "Substantially completed" means where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 1173.06(c)) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

(125)A "Water survey" means an inventory of the source, quantity, yield and use of groundwater and surface water resources within Lower Allen Township.

SECTION II

Section 1169.03, Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

1169.03 REVIEW FEES.

(a) Review fees shall include the reasonable and necessary charges by Township's professional consultants or Township Engineer for review and report thereon to the Township. Such review fee shall be based upon a schedule established by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar services in the Township; but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on the Applicant.

(1) In the event the Applicant disputes the amount of any such review fees, the Applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the Applicant's request over disputed fees.

(2) If, within twenty (20) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the Township and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such Engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer.

(b) At the time of filing of a Preliminary Plat, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of the Engineer or consultant to the Township for all matters relating to review, comments and recommendations with respect thereto, including but not limited to meetings with Applicant or Applicant's consultants and site inspection.

(c) At the time of filing of a Final Plat, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of the Engineer or consultant to the Township for all matters relating to review comments and recommendations with respect thereto, including but not limited to meetings with Applicant or Applicant's consultants, site inspection, and preparing or reviewing cost estimates of improvements required under Article 1181 or otherwise.

(d) On or before the date on which the Final Plat is to be considered by the Board of Commissioners, Applicant shall deposit with the Township an estimated review fee determined or approved by the Engineer or consultant sufficient to cover the charges of Engineer or consultant to the Township relating to review, comment, and recommendations with respect to the final Plat, site inspection, attendance at meetings with Applicant, Consultant, or contractor or sub-contractor, inspecting required improvements during construction, final inspection on completion of installation or required improvements, and other engineering verification required by the Ordinance.

(e) If the aforesaid deposits are insufficient to cover the charges of the Engineer or consultant to the Township for the aforesaid service rendered or any other engineering or consulting services rendered relating to the Plat, Township shall bill Applicant for such deficiency. Applicant shall pay Township the amount of such bill. If the aforesaid deposits exceed said charges of the Engineer or consultant to the Township, the balance remaining shall be refunded to the Applicant without interest after final release by the Board of Commissioners of any security posted with respect to maintenance or repair of the improvements required by Article 1181.

(f) Failure of the Applicant to make any required deposit or to pay any bill submitted under or within the time specified in this Section 1169.03 shall be a reason for disapproval of the Plat or revocation of any building or zoning permit issued to Applicant or Applicant's heirs, successors, or assigns, except in the event of a dispute with respect thereto as set forth in Section 1169.03(a).

SECTION III

Section 1169.05, Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

1169.5 MODIFICATIONS

(a) The Board of Commissioners may grant a modification of the requirements of one or more provisions of these regulations if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such modification will not be contrary to the public interest and that the purpose and intent of these regulations is observed.

(b) An application for a modification shall be submitted in writing by the Applicant at the time the preliminary plat is filed. The Application shall state fully the grounds and all the facts relied upon by the Applicant. The application for modification may be referred to the Planning Commission for advisory comments.

(c) In subdivisions where lots are created for the purpose of seasonal occupancy (for use on weekends, vacations, or for hunting or fishing), the requirements of these regulations concerning the width and construction of cartways, curbs or sidewalks, and the requirements of plat specifications and procedures may be modified or waived, subject to the following conditions:

(1) The lot area shall be one acre or larger, and

(2) Facilities for water supply and sewage disposal shall be approved by the Pennsylvania Department of Environmental Resources and be acceptable to the Board of Commissioners and to the Planning Commission.

(d) In granting any modification the Board of Commissioners shall record its action and the grounds for granting any modification to the Applicant applying for the modification.

(e) Whenever a request for a modification is denied, the Board of Commissioners shall record its action and the grounds for such denial in its minutes. The Board of Commissioners shall transmit a copy of its action and the grounds for such denial of any modification to the Applicant applying for the modification.

SECTION IV

Article 1169 of Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to add 1169.06, which shall read as follows:

1169.6 PREVENTIVE REMEDIES

(a) In addition to other remedies, the Township 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.

(b) The Township 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 these regulations. This authority to deny such a permit or approval shall apply to any of the following Applicants:

(1) The owner of record at the time of such violation.

(2) 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.

(3) 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.

(4) 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.

(c) 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 development of any such real property, the Township 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.

SECTION V

Section 1169.99 of Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

1169.99 ENFORCEMENT REMEDIES

(a) Any person, partnership or corporation who or which has violated the provisions of these regulations shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township 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 these regulations 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.

(b) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per them judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(d) The District Justice shall have initial jurisdiction in proceedings brought under this Section.

SECTION VI

Section 1173.04(d) Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to add the following:

(4) When an application for approval of a Preliminary Plat has been approved subject to conditions, the Applicant must accept each and every condition in writing. If the Applicant does not accept or reject each and every condition within three (3) calendar days after the decision is communicated personally to him at his last known address, approval subject to condition of the Preliminary Plat shall be rescinded automatically. Such automatic rescission shall be deemed a rejection and applicant shall be so notified at the time of the notification of the approval subject to condition.

SECTION VII

Section 1173.06(a)(2), Part Eleven, Title Three, of the @d Ordinances of Lower Allen Township, 1985, shall be amended to add the following:

D. When an application for approval of a Final Plat has been approved subject to conditions, the Applicant must accept each and every condition in writing. If the Applicant does not accept or reject each and every condition within three (3) calendar days after the decision is communicated personally to him or mailed to him at his last known address, approval subject to condition of the Final Plat shall be rescinded automatically. Such automatic rescission shall be deemed a rejection and applicant shall be so notified at the time of the notification of the approval subject to condition.

SECTION VIII

Section 1173.06(c) of Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

(c) No Plat shall be finally approved by the Board of Commissioners unless the improvements required by Article 1177 and Article 1181 have been installed in accordance with the provisions of Part Eleven, Title Three. In lieu of the completion of any improvements required as a condition for the final approval of a Plat, including improvements or fees otherwise required by this Ordinance, the Board of Commissioners may grant final approval prior to completion upon the following terms and conditions.

(1) The Applicant enters into an agreement with the Township, substantially in the form set in

Exhibit #2, or such other form as the Board of Commissioners may approve, agreeing that the improvements will be installed in accordance with the plans, specifications and schedule approved by the Board of Commissioners and in accordance with the Ordinance.

(2) Simultaneously with the execution of the agreement specified in subsection 1173.07(c)(1) hereof, Applicant shall deposit with Township financial security in an amount sufficient to cover the costs of all required improvements. The financial security shall guarantee performance of the agreement and completion of the improvements by the Applicant in strict accordance with the approved plans, specifications, and schedules and the standards and specifications of the Ordinance. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, financial security may include the following chosen by the person posting the financial security:.

- A.. Corporate surety bond,
- B. Irrevocable letter of credit or
- C. Restrictive or escrow account.

The bonding company shall be authorized to conduct business within the Commonwealth of Pennsylvania. The lending institution shall be chartered by the United States of America or the Commonwealth of Pennsylvania.

(3) Such bond or other security shall provide for, and secure to the Township, 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.

(4) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110%) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the Applicant. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the 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 Township may require the Applicant to post additional security in order to assure that the financial security equals said one hundred and ten (110 %) percent. Any additional security shall be posted by the Applicant 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 an Applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.

(6) If the party posting the financial security requires more than one 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-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above estimating procedure.

(7) In the case where development is projected over a period of years, the Board of Commissioners may authorize submission of Final Plats by section or stages of development if the Applicant deposits with the Township financial security in an amount sufficient to cover the costs of all required improvements in future sections or stages of development as determined in accordance with subsections 1173.06(c)(1) to and including (6).

(8) As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Commissioners through the Zoning Officer to release or authorize the release, from time to time, such portions of the financial security necessary for payment of the contractor or contractor performing work.

- A. Any such request shall be in writing addressed to the Board of commissioners through the Zoning Officer.
- B. Within forty-five (45) days from receipt of such request the Township Engineer shall certify in writing to the Board of Commissioners such portion of the work upon the improvement that has been completed in accordance with the approved plat, specifications, and schedules and with the Ordinance.
- C. Upon such certification by the Township Engineer, the Board of Commissioners shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. Failure of the Board of

commissioners to act within said forty-five (45) day period shall be deemed to be approval of release of funds as requested.

(9) Where any of said improvements are not to be dedicated to the Township, prior to final release of the financial security at the time of completion and certification thereof by the Township Engineer, the Board shall retain ten (10%) percent of the estimated cost of the aforesaid improvements as well as the functioning of said improvements in accordance with the design, specifications, and schedules as depicted on the final plat for a term of eighteen (18) months from the date of such certification by the Township Engineer.

(10) Prior to the acceptance by the Board of Commissioners of dedication of all or some of the required improvements, the Applicant shall post financial security of the same type as required by subsection 1173.06(c)(2) in the amount of fifteen (15%) percent of the actual cost of the installation of said improvements to secure structural integrity of said improvements in accordance with the design, specifications, and scheduled as depicted on the Final Plat for a term of eighteen (18) months from the date of acceptance of said dedication.

(11) If water mains or sanitary sewer lines, or both, along with apparatus or the facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Lower Allen Township Authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the public utility or Lower Allen Township Authority and shall not be included within the financial security as otherwise required by this Section.

(12) 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 Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots of land as depicted upon the final plat upon actual completion of the improvements depicted upon the approval of the 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 providing 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.

(13) When requested by the Applicant, in order to facilitate financing, the Board of Commissioners, shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the Applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Commissioners; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

SECTION IX

Section 1173.06(d) of Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

(d) When the Applicant has completed all of the required improvements, the Applicant shall notify the Board of Commissioners, through the Zoning Officer in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer, together with a certificate from a professional land surveyor that the monuments shown on the approved Plat have been installed.

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(13) When requested by the Applicant, in order to facilitate financing, the Board of Commissioners, shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the Applicant obtaining a

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billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Board of Commissioners shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request over disputed engineer expenses.

If, within twenty (20) days from the date of billing, the Township and the Applicant cannot

agree on the amount of expenses which are reasonable and necessary, then the Applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses

and make a determination as to the amount thereof which is reasonable and necessary. If any portion of the improvements are not approved or are rejected by the Board of Commissioners, the Applicant shall proceed to

complete the same, and upon completion, the same procedure of notification as listed above shall be followed.

The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.

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In the event that the Township and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (of if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.

In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall within ten working days of the date of

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is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer.

SECTION X

Section 1177.02(k)(6), Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

A joint use driveway shall be limited to serving two adjacent tracts or parcels of land, other than single-family dwelling or single-family semi-detached dwelling. All users shall prepare for approval by the Board of Commissioners in recordable form an agreement dealing with the rights of ingress, egress, maintenance, repair, snow removal, replacement, and any other relevant matter pertaining thereto.

SECTION XI

Section 1181.05, Part Eleven, Title Three, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to add the following:

(c) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the applicant shall present evidence that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative-association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of - Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in cluestion, whichever is appropriate, shall be acceptable evidence.

SECTION XII

The provisions of this Ordinance, so far as they are the same as those of Ordinances enforced immediately prior to the

enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this ordinance.

SECTION XIII

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION XIV

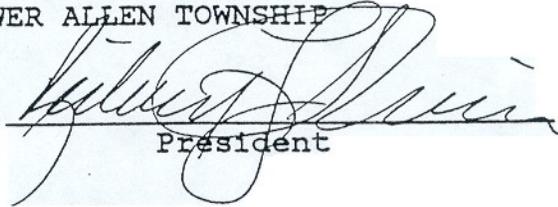
This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an ordinance this 14th MAY If 1990. day of

ATTEST: (Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

By:


President

Secreta:Ky

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by same:

SECTION I

Section 101.07, Article 107, of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

107.07 COMPENSATION

The Township Manager shall receive compensation in the amount of \$5,115.00 Dollars per annum for his services as Township Manager and Township Secretary, effective August 16, 1990.

SECTION II

Sub-section 1201.09(c) of Article 1201 of the Codified Ordinances of Lower Allen Township, 1985, shall be amended to read as follows:

Stormwater Management Pond designs shall consider both child and pedestrian safety. Stormwater Management Ponds with side slopes steeper than 3:1 shall be fenced, except Stormwater Management Ponds with water depths of 24 inches or less, as determined between the drain elevation and the overflow elevation, shall not require fencing. The fencing shall be a minimum of 4 feet high with no opening greater than 6", and a locked gate.

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SECTION III

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

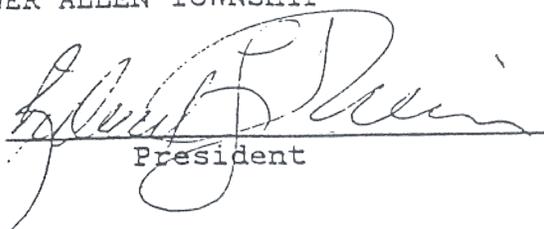
SECTION IV

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 11th day of August, 1990.

ATTEST: (Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

By: 

President

SecretariK

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