

# Penn Township

## Subdivision and Land Development Ordinance



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Prepared by the Penn Township Planning Commission with assistance from  
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PRIVATE RIGHT-OF-WAY MAINTENANCE AGREEMENT

**PENN TOWNSHIP**

**PERRY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 103 OF 1992**

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND DEVELOPMENT WITHIN THE TOWNSHIP OF PENN, PERRY COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; REGULATING SALES OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF PENN TOWNSHIP THAT ORDINANCE NO. 75 OF 1971 (THE PENN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1971) ORIGINALLY ENACTED ON MAY 28, 1971, AS AMENDED, IS FURTHER AMENDED BY ADDING AND SUPPLEMENTING THERETO THE PA MUNICIPALITIES PLANNING CODE OF 1968, AS AMENDED, (ACT 247 OF 1968, P.L. 805, AS REENACTED AND AMENDED BY ACT 170 OF 1988):

**ARTICLE I**

**GENERAL PROVISIONS**

Section 101 - Title

These regulations shall be known and may be cited as "The Penn Township Subdivision and Land Development Ordinance".

Section 102 - Purpose

This Ordinance has been adopted by the Penn Township Board of Supervisors to protect the health, safety, morals and general welfare of the citizens of the Township; to provide for the harmonious development of the Township by ensuring equitable handling of all subdivision or land development plans by providing uniform standards and procedures; to provide for the general welfare by providing and protecting cultural facilities; by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreation, proper traffic flows, light and air, and the proper distribution of population to ensure conditions favorable to the health, safety, morals and general welfare of the citizens of Penn Township.

Section 103 - Authority

The Penn Township Planning Commission is hereby designated by the Penn Township Board of Supervisors as the agency which shall review and make recommendations on all Preliminary and Final Plats as required herein. The Penn Township Board of Supervisors shall have authority to approve all Preliminary and Final Plats as required herein for the Township of Penn.

#### Section 104 - County Review

Applications for review of subdivision and land development within Penn Township must be forwarded upon receipt by the Penn Township Secretary to the Perry County Planning Commission for review and report, and the municipality shall not approve such applications until the county report is received, or until the expiration of forty-five (45) days from date the application was forwarded to the county.

#### Section 105 - Application of Regulations

- A. No subdivision nor land development of any lot, tract or parcel of land in Penn 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 Supervisors and publicly recorded in the manner prescribed herein; nor otherwise, except in strict accordance with the provisions of this Ordinance.
- B. No lot in a subdivision 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 in a subdivision or land development, unless and until a final subdivision plat has been approved by the Penn Township Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

#### Section 106 - Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where provisions of a statute, other ordinance, resolution or regulation impose greater restrictions than this Ordinance, the provisions of such statute, resolution, ordinance or regulation shall be controlling.

#### Section 107 - Effective Date

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedure established by law.

## ARTICLE II

### DEFINITIONS

#### Section 201 - General

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations have the meaning indicated:

1. Words in the singular include the plural and those in the plural include the singular.
2. Words used in the present tense include the future tense.
3. The words "person", "subdivider", "developer" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.
4. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
5. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
6. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

#### Section 202 - Definition of Terms

Other terms or words used herein shall be interpreted or defined as follows:

Accelerated Erosion: The removal of surface material by the action of natural elements caused by man's manipulation of the landscape.

Alley (or service drive): A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to 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.

Appointing Authority: The Penn Township Board of Supervisors.

Authority: See Municipal Authority.

Block: An area bounded by streets.

Board of Supervisors (Supervisors): The Board of Supervisors of the

Township of Penn, Perry County, Pennsylvania.

Building: A combination of materials having walls and a roof. Included shall be all mobile homes and trailers.

Building Setback Line (setback): The line within a property usually parallel to the right-of-way or property line, defining the required minimum distance between any buildings and structures and the adjacent street right-of-way or property line.

Front Setback Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

Side Setback Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

Rear Setback Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

Campground: A tract, or tracts of land, or any portions thereof, used for the purpose of providing sites for the temporary use of trailers, recreational vehicles, campers or tents, for camping purposes with or without a fee being charged for the leasing, renting or occupancy of such space.

Cartway or Roadway: That portion of a street or alley which is improved, designated or intended for vehicular use.

Certification of Registration: Written approval as issued by the DEP authorizing a person to operate and maintain a mobilehome park.

Clear Sight Triangle: An area 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.

Common Open Space: 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 the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

Community Water System: Any water system meeting the definition of the term Community Water System established by DEP other than a water system owned and operated by a governmental body, municipal authority, or a public utility regulated by the Pennsylvania Public Utility Commission.

County: Perry County, Pennsylvania.

County Planning Commission: The Planning Commission of Perry County.

Cross-Walk: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

Cul-de-sac: A street with access closed at one end with a vehicular turn-around at the closed end.

Cut: 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.

DCNR: Pennsylvania Department of Conservation and Natural Resources.

DEP: Pennsylvania Department of Environmental Protection.

Detention Structure: A vegetated pond, swale, or other structure designed to store surface water runoff for a given storm event and release it at a predetermined rate until completely drained.

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

Development: See Land Development.

Development Plan: 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 act shall mean the written and graphic material referred to in this definition.

Drainage: The flow of water or liquid waste and the method of directing such flow, whether natural or artificial.

Drainage Facility: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway: A minor private vehicular cartway providing access between a street and a parking area or garage within a lot or property.

Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, but not including group quarters, hotels, motels, or other structures used for transient residence.

Dwelling, Apartment: A building designed and built to contain three (3) or more dwelling units, arranged above and/or adjacent to one another.

Dwelling, Multi-family (Multiple Family): A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by three (3) or more families.

Dwelling, Semi-detached: One of two buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

Dwelling, Single Family, Attached (Townhouse or Row): A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

Dwelling, Single Family, Detached: A building designed and built to contain one (1) dwelling unit and having no party walls in common with any other unit, including an individual mobile home not located in a mobile home park.

Dwelling, Seasonal: A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.

Dwelling, Single Family, Semi-detached: A portion of a building containing one (1) dwelling unit that is attached side-by-side to another dwelling unit by the use of a common wall.

Dwelling, Two Family: A building located on one lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

Dwelling, Two Family, Attached: A building used by two families and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

Dwelling, Two Family, Detached: A dwelling containing two (2) dwelling units, one of which is located above the other.

Dwelling, Two Family, Semi-detached: A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

Dwelling, Unit (DU): A building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) family.

Easement: A right granted for the use of private land for certain public or quasi-public purposes; also the land to which such right pertains.

Energy Dissipater: A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

Engineer, Professional: A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

Engineer, Township: The Penn Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer in behalf of the Township.

Engineer, Registered: A person duly registered as a professional engineer by the Commonwealth of Pennsylvania.

Engineering Specifications: The Engineering Specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EPA: United States Environmental Protection Agency.

Equivalent Dwelling Unit (EDU): Means a unit of service equivalent to that provided to a Single Residential Establishment in accordance with the PTMA rules and regulations.Erosion: The removal of surface materials by the action of natural elements.

Excavation: Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

- a. Any act by which earth, sand, gravel or rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the stripped surface and shall include the conditions resulting therefrom;
- b. The difference in elevation between a point on the original ground and a designated point of lower elevation on the final grade;
- c. The material used to make fill.

Family: A single individual living alone as a separate housekeeping unit and doing his/her own cooking, or a collective body of people living together in a domestic relationship which may or may not be based upon birth, marriage, custodianship, adoption, or other domestic bond as a single housekeeping unit based on an intentionally structured relationship providing organization and stability and doing their own cooking with or without assistance from others. This definition does not include persons occupying a hotel, dormitory, lodge, or boarding house.

Fill: 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 there from. 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.

Flood-Prone Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to rapid accumulation of surface waters from any source.

Floodway Area: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred (100) year magnitude.

Flood-fringe Area: That portion of the flood prone area outside of the floodway area.

Flood, One-Hundred (100) Year: A flood that, on the average, is likely to occur once every one-hundred (100) years (i.e. that has a one (1) per cent chance of occurring each year, although the flood may occur in any year).

Freeboard: The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

Future Right-of-Way: (1) right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Governing Body: The Board of Supervisors of the Township of Penn, Perry County, Pennsylvania.

Grassed Waterway: A natural or man-made drainage way of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a swale).

Holding Pond: A detention structure.

Improvements: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to: grading, paving, curbing, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, cross walks, street signs, monuments, water supply facilities, and sewerage disposal facilities.

Land Development: Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (i) A group of two or more residential or nonresidential buildings whether proposed initially or accumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) The division or allocation of land or space, whether initially or accumulatively, between or among two or more existing or prospective occupants by means of or for the purposes of streets, common areas, lease holds, condominiums, building groups or other features.

2. subdivision of land.
3. There shall be exempted from land development requirements the following when such land development involves:
  - (i) The conversion of existing single-family detached dwelling, or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium:
  - (ii) The addition of an accessory building including farm buildings on a lot or lots subordinate to an existing principle building;
  - (iii) The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by and to be used, developed or built upon as a unit.

Lot, Interior: Any lot other than a corner lot.

Lot, Flag or Panhandle: A lot or parcel which is designed in such a manner that it is connected to a public street by a minimum twenty (20) foot wide strip of land (the panhandle) when no further subdivision is possible, and a fifty (50) foot wide strip of land when there is potential for further subdivision. The panhandle is an integral part of the lot but which is not used in determining the applicable minimum lot area. The minimum lot area shall be determined by using that portion of the lot where the minimum lot width dimension is achieved. The area of the panhandle shall, however, be included in the determination of maximum building coverage.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot, Reverse Frontage: A lot extending between two streets without access to the higher of the two classified streets on which it fronts.

Lot, Through or Double Frontage: A lot extending between and having frontage on two streets.

Lot Area: The total horizontal area contained within the property lines of a lot excluding space within any public or private street right-of-way, but including the area of any easement.

Marker: Shall be three-quarters (3/4) of an inch square or three-quarters (3/4) of an inch in diameter and twenty-four (24) inches long. Markers shall be made of iron pipes or iron or steel bars.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences culminating in a written agreement which the parties themselves create and consider acceptable.

Mobilehome: 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.

Mobilehome 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.

Mobilehome Park: A parcel or 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.

Mobilehome Subdivision: An area designed exclusively for mobile homes and mobile dwelling units where lots are sold and not rented.

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 four (4) inch cast iron or steel pipe filled with concrete. Monuments must be marked on the top with a copper or brass plate or dowel set in the concrete.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945, (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945".

Municipal Engineer: A Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for a Municipality, Planning Agency or Joint Planning Commission.

Municipality: Township of Penn, Perry County, Pennsylvania

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, or this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or this Ordinance hereafter enacted, where such structure lawfully existed prior to the application of such

ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Official Map: A map adopted by ordinance pursuant to Article IV, of the Act of July 31, 1986 (P.L. 805, Art. IV, Section 401).

On-Site Storm Water Management: The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site has remained undeveloped.

Penn Township: Penn Township, Perry County, Pennsylvania.

Percolation Test: A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Protection.

Person: Any individual, partnership, company, association, society, corporation or other legally recognized entity and the members of such association or partnership and the officers of such corporation.

Plan, Construction Improvement: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this Ordinance.

Plan, official: 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.

Plan Sketch: An informal plan, not necessarily to exact scale, indicating existing features of a tract and its surroundings and the general layout of proposed subdivision or land development.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Agency: A planning commission, planning department, or a planning committee of the governing body.

Planning Commission: Penn Township Planning Commission.

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

Plat, Final: A complete and exact subdivision or land development plan prepared for official recording as required by statute.

Plat, Preliminary: A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

Professional Consultants: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PTMA: Penn Township Municipal Authority, Penn Township, Perry County, Pennsylvania.

Public Grounds: (1) parks, playgrounds and other public areas and (2) sites for schools, municipal Sewage Treatment, municipal refuse disposal, other publicly owned or operated facilities.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to the taking of action in accordance with this act of July 31, 1968 (P.L. 805, No. 247) as amended, known as "Municipality Planning Code".

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

Public Notice: 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.

Public Sewer: A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the DEP.

Public Utility: Any business activity regulated by a government agency in which the business is required by law to: 1) serve all members of the public upon reasonable request; 2) charge just and reasonable rates subject to review by a regulatory body; 3) file tariffs specifying all of its charges; and 4) modify or discontinue its service only with the approval of the regulatory agency.

Public Utility Facilities: Facilities of a public utility that are used to provide public utility service.

Public Water: A municipal water supply system, or a comparable common water facility approved and permitted by the DEP or regulated by the Pennsylvania Public Utilities Commission.

Real Estate: The land including the building or improvements thereto and its natural assets.

Real Property: The land and improvements thereto.

Recreational Vehicle: 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 camping trailer, motor home, travel trailer and truck camper); and a body width of no more than eight (8) feet and body length of no more than thirty-two (32) feet when factory equipped for the road, and licensed as such by the Commonwealth.

Renewable Energy Source: Means any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Reserve Strip: A narrow parcel of ground separating a street from other adjacent properties.

Residential Establishment: Means any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, but including personal care boarding homes licensed by the Commonwealth.

Re-Subdivision: Any subdivision or transfer of land or any part of land which was previously subdivided as defined in this Ordinance.

Retention Structure: A pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event and release it at a predetermined rate.

Right-of-Way, Private: A private thoroughfare for vehicular traffic and/or pedestrian traffic.

Right-of-Way, Street: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley or however designated.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Screening: The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development as required by the Penn Township Zoning Ordinance.

Sedimentation: 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".

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and

final disposal.

Sewage System (Community): Any system whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site.

Sewage System (Individual): A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal.

Shoulders: The portion of the street contiguous to the cartway for the accommodation of stopped vehicles, for emergency parking, and for the lateral support of these uses and the surface courses of the pavement.

Sight Distance: 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.

Sketch Plan: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal.

Slope: 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 one-hundred (100) feet of horizontal distance.

Soil Percolation Test: 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 a subsurface absorption area.

Soil Stabilization: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

Storage Structure: A retention or detention structure.

Storm Water Management: The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

Street: A strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Streets, Major:

1. Arterial Street: A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for inter-communications among large areas.

2. **Collector Streets:** A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
3. **Limited Access Highway:** 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.

Streets, Minor: A street used primarily for access to abutting properties.

Street, Cul-de-sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street, Private: See Right-of-way, Private.

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

Subdivider: See Applicant and/or Developer.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisee, 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.

Substantially Completed: Where in the judgment of the Municipal Engineer, at least ninety (90) percent (based upon the cost of the required improvements for which financial security was posted pursuant to Section 509) of the improvements required as a condition for final approval have been completed in accordance with the approved plan, the project will be able to be used, occupied, or operated for intended use.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor: Professional land surveyor registered by the Commonwealth of Pennsylvania.

Swale: A low lying stretch of land characterized as a depression used to carry surface water runoff.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Top Soil: Surface soil and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the upper-most soil layer called the A Horizon.

Township: The Township of Penn, Perry County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

Township Code Enforcement Officer: Any person appointed by the Penn Township Board of Supervisors to issue permits and/or enforce the ordinances of Penn Township.

Tract: All land that is the subject of a Development, whether initially or cumulatively, and whether comprised of one or more lots of record.

Trailer: The term "trailer" shall mean a vehicular portable structure to be mounted on a chassis or wheels and towed or constructed as an integral part of a self-propelled vehicle for use as temporary dwelling for travel, recreation and vacation commonly known as travel trailers, pick-up coaches, motor homes, camping trailers or recreational vehicles.

Transferable Development Rights: The attaching of development rights to specified lands which are desired by the municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

Undeveloped Land: Any land, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

Unit: Means a part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property structure or building.

Usable Open Space: 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 the subdivision or mobilehome park or other development, not including streets, off-street parking areas and areas set aside for public facilities.

Watercourse: A stream of water (river, brook, creek,) or a channel or ditch for water, whether natural or man-made.

Water Facility: Any water works, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas.

Zoning District: A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Penn Township Zoning Ordinance (or the adjacent municipality's Zoning Ordinance).

Zoning Map: The official Zoning Map of Penn Township adopted hereunder, together with all amendments thereto subsequently adopted.

Zoning Officer: The duly constituted municipal official designated to administer and enforce the Penn Township Zoning Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Building Inspector and service both offices of the Township.

## ARTICLE III

### GENERAL PROCEDURES AND PLAN REQUIREMENTS

#### Section 301 - Prior to Submission

- A. Copies of this Ordinance shall be available on request, at cost for the use of any person who desires information concerning subdivision standards and procedures in effect with the Township. Any prospective developer is encouraged to meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of this Ordinance.
- B. No plans except sketch plans will be considered by the Penn Township Planning Commission unless the applicant submits said plan to the Township Secretary not less than fifteen (15) regular business days prior to a regularly scheduled meeting of the said Planning Commission.

[Ordinance No. 111, 1/31/1996]

#### Section 302 - Processing Procedure

- A. Whenever a subdivision of land or land development is desired to be effected in Penn Township, Perry County, Pennsylvania, a plat of the layout of each subdivision or land development shall be proposed, filed and processed with the Penn Township Planning Commission, Perry County Planning Commission and the Penn Township Board of Supervisors in accordance with the requirements of this Subdivision and Land Development Ordinance, as revised to date.
- B. The subdivider or land developer shall submit copies of the preliminary plans to Penn Township and the Township Secretary shall distribute the required number of copies to the agencies concerned as provided for in Article V. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as preliminary plans when resubmitted. Upon approval of the preliminary plans, the subdivider shall submit final plans to the Township and the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided for in this Article. Mobilehome park plans shall be reviewed in the same manner as subdivision and land development plans.

#### Section 303 - Status of Approved Plans, Hearings

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as herein after provided. However, if an application is properly and finally denied, any subsequent

application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. Where the landowner has substantially completed the required improvements as depicted upon the Final Plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plat shall modify or revoke any aspect of the approved Final Plat pertaining to density, lot, building, street or utility location. In the case of a Preliminary Plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the Preliminary Plat 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 governing body in its discretion. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plat approval, including compliance with landowner's aforesaid schedule of submission of Final Plats for the various sections then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of Final Plat approval for each section. Failure of landowner to adhere to the aforesaid schedule of submission of Final Plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by the municipality subsequent to the date of the initial Preliminary Plan Submission. Before acting on an application, the Board of Supervisors may hold a public hearing thereon after public notice.

#### Section 304 - Minor Subdivision Plans

Submission of a Minor Plan shall follow the procedures as required under Section 308 Final Plat Procedure. Any residential subdivision or land development which contains no more than ten (10) lots, dwellings, or dwelling units may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary

Plan approval. Such determination shall be made by the Penn Township Planning Commission based upon the following consideration:

1. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Township necessitates processing initially as a preliminary plan.
2. The proposed subdivision or land development does not require the review and approval of agencies and/or jurisdictions other than the Township: where in the opinion of the Township such review may not be completed within the time period set forth in this Ordinance.
3. The proposed subdivision or land development complies with the applicable provisions of this Ordinance.

[Ordinance No. 111, 1/31/1996]

Section 305 - Overall Sketch Plan (Option to Developer)

- A. Prior to the submission of Preliminary Plans, developers may, at their option, submit a sketch plan to the Penn Township Planning Commission. This will enable the Commission to review the proposal and to make any suggestions or discuss with the developer any proposed plans or factors that may affect their subdivision or development. Submission and review of a sketch plan shall not constitute official submission of a plan to the Township or official action on the part of the Township.
- B. The Sketch Plan shall consist of the following:
  1. An approximate key map showing the generalized location of the tract and adjacent streets.
  2. North point.
  3. The property lines of the host parcel and of all lots previously subdivided or space occupied.
  4. Generalized lot layout with intended considerations for sewage systems, water facilities, roadway, and storm drainage control.
  5. Generalized location of major topographic features such as swales, watercourses, rock outcroppings, and related characteristics.
  6. Generalized indication of the use or uses of the property in terms of the uses permitted by the Penn Township Planning Commission
  7. The Overall Sketch Plan should be submitted at a scale not smaller than 1" = 200'.
- C. The Penn Township Planning commission discussion and review of the Sketch Plan would normally include the following items:
  1. Lot layout.
  2. Proposed street layout to consider compatibility with existing

and future township road system and if the grades are in compliance with the subdivision ordinance.

3. Erosion and Sediment Control needs and requirements.
  4. Sewage Disposal needs and requirements.
  5. Land subject to flooding.
  6. Consideration of the various permits and requirements of different governmental units and sources of information for each.
- D. The Overall Sketch Plan will be used by the Township and Developer to assist in evaluating further subdivision or land development submittals of the applicant. When on the recommendation of the Planning Commission and action of the Board of Supervisors it is deemed that further subdivisions or land developments depart substantially from the concepts presented in the Overall Sketch Plan, a revised Sketch Plan should be prepared prior to submittal of any future plans by the applicant.

Section 306 - Preliminary Plat Procedure

- A. Not less than fifteen (15) regular business days prior to a regularly scheduled meeting of the Penn Township Planning Commission, the Subdivider shall submit two (2) copies of the Application for review of Preliminary Subdivision Plan, one (1) reproducible and ten (10) copies of the Preliminary Plat to the Penn Township Secretary. The Preliminary Plat shall be by a Registered Professional Land Surveyor. The Secretary shall date and initial each copy of the Preliminary Plat on the date it is received from the Subdivider. It shall be the responsibility of the Subdivider to ensure that the Preliminary Plat meets all of the requirements of this Ordinance and that any coordination with public or private utilities or service agencies is accomplished.

[Ordinance No. 111, 1/31/1996]

- B. Copies of the Preliminary Plat shall be distributed as follows:
1. One (1) copy of the Application and two (2) copies of the Preliminary Plat to the Perry County Planning Commission for its review and comments. (Comments from Perry County must be received before action on the Preliminary Plat).
  2. Where a proposed subdivision abuts or will be traversed by an existing or proposed PENNDOT highway, one (1) copy shall be forwarded to the District Office of PENNDOT.
  3. Five (5) copies to Penn Township Planning Commission to be retained for files.
  4. One (1) copy to the Perry County Conservation District for erosion and sediment control and storm water review. Plans are to be submitted to the district when:
    - a. A new street is proposed.
    - b. Any land development is proposed involving paved area or commercial or industrial development.

5. One (1) copy to the Penn Township Engineer for review and comment.
  6. One (1) copy to the Penn Township Zoning Officer for review and comment.
  7. One (1) copy to the Penn Township Municipal Authority for review and comment, as determined by the Penn Township Planning Commission or Board of Supervisors.
- C. The Perry County Planning Commission and the Perry County Conservation District shall review the Preliminary Plat and assist the Penn Township Planning Commission in its formal action.
- D. At a regular or special Penn Township Planning Commission meeting following receipt of reports from agencies listed above, the Planning Commission shall:
1. Review the applicant's submission.
  2. Discuss submission with applicant or applicant's agents if required.
  3. Evaluate the Plat, reports and discussion.
  4. Determine whether the Preliminary Plat meets the objectives and requirements of this Ordinance and other Ordinances of Penn Township.
  5. Either recommend approval, conditional approval or disapproval of the Preliminary Plat to the Penn Township Board of Supervisors. Should the Preliminary Plat be conditionally approved, said conditional approval shall be acceptable to the Applicant.
  6. Submit the report to the Board of Supervisors. When the Penn Township Planning Commission recommends disapproval 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 ordinance relied upon.
- E. In accordance with Section 508 of the PA Municipalities Planning Code, as amended, within ninety (90) days, beginning from the first regularly scheduled meeting by the Planning Commission after submission of the Preliminary Plan Application, unless said ninety (90) days is extended in writing by agreement of the Applicant, the Penn Township Board of Supervisors shall: [Ordinance No. 111, 1/31/1996]
1. Evaluate the applicant's submission, presentation and report from the Township Planning Commission.
  2. Determine whether the Preliminary Plat meets the objectives and requirements of this Ordinance and other ordinances of the Township.
  3. Either approve, conditionally approve or disapprove the Preliminary Plat. Should the Preliminary Plat be conditionally approved, said conditional approval shall be acceptable to the Applicant. The Applicant shall, within fifteen (15) days from the

date of the receipt of the notice of the conditional approval, accept or reject the conditions imposed on the Preliminary Plat. Should the Applicant not communicate acceptance of the conditions imposed within fifteen (15) days of the receipt of the conditional approval, the plan shall be deemed to be rejected. All correspondence must be by registered or certified mail within the said time limits of the action taken at the regularly scheduled Penn Township Board of Supervisors meeting.

4. Inform the applicant of the supervisors action on the Preliminary Plan in writing at the last address appearing on the application not later than fifteen (15) days following the decision: 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 ordinance relied upon.
- F. Approval of the Preliminary Plat shall constitute conditional approval of the subdivision or land development as to its character and intensity, but shall not constitute approval of the final Plat or authorize the sale of lots or construction of buildings.
- G. Before acting on any Preliminary Plat, the Penn Township Board of Supervisors may hold a public hearing thereon after public notice, if such meeting is deemed in the best interest of the Township by the Supervisors.

#### Section 307 - Preliminary Plat Specifications

- A. The Preliminary Plat shall be drawn to a scale as to facilitate a comprehensive overall picture of the proposed subdivision on one (1) sheet of a size not larger than 48" x 48" on a reproducible linen or other reproducible material of equal quality and shall show:
1. The designation, Preliminary Plat.
  2. Proposed subdivision or development name and municipality or municipalities in which project is located.
  3. Name and address of Registered Professional Surveyor and Registered Professional Engineer (if applicable) responsible for preparation of the subdivision and engineering plans.
  4. Name, address and phone number of the record Owner and Developer.
  5. North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised for each revision, if any.
  6. A location map, for the purpose of locating the property being developed, showing the relationship of adjoining property to all streets, roads and municipal boundaries.
  7. Boundaries of the property being developed showing bearings and distances (if available) and a statement of total acreage of the property at a scale of not less than 1" equals 400'. [Ordinance No. 111, 1/31/1996]
  8. Reference to recorded subdivision plats within 1000' of proposed

- subdivision with record name, date and number of each subdivision.
9. Existing buildings and other topography and the approximate location of all existing tree masses within the proposed subdivision.
  10. Existing contours of the proposed subdivision at vertical intervals of five (5) feet.
  11. Purpose for which sites other than residential lots are dedicated or reserved.
  12. Land Subject to Flooding -
    - a. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional flooding.
    - b. Adequate building site - To insure that residents will have sufficient flood free land upon which to build a house; the Planning Commission shall require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information (For additional information see the Penn Township Flood insurance maps).
    - c. Street Elevation - The Penn Township Planning Commission shall not recommend approval of the streets subject to inundation or flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.
  13. The layouts, names and widths of right-of-way, cartway and paving of proposed streets, alleys and easements and whether streets are intended to be dedicated to the township.
  14. The layout of lots showing approximate dimensions, lot numbers and approximate area of each lot.
  15. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, either public, semi-public or community purposes, which shall be of suitable size and location for their designated use.
  16. Certification by Registered Professional Surveyor and Registered Professional Engineer (if applicable) responsible for preparation of the subdivision and engineering plans. All plats, plans, surveys and engineering shall be prepared in accordance with the Act of May 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law", as revised to date. All plan sheets shall be sealed.
  17. The layout or arrangement of a subdivision or land development shall conform to the Comprehensive Plan, when adopted, or any regulations or maps adopted thereto.

18. Wetlands, identified and delineated pursuant to Chapter 105 "Dam Safety and Waterway Management," Pennsylvania Department of Environmental Protection (25 PA Code), and all unique natural features or areas.
  19. The plan shall comply with the Penn Township Zoning Ordinance. A zoning data table shall be provided that indicates the required and the proposed requirements for the building setbacks, building height, impervious coverage, parking requirements, and other items as directed by the Planning Commission.
- B. The Preliminary Plat shall be accompanied by the following data and plans:
1. A profile of each proposed street, including grades, and street cross-sections.
  2. Location plans of proposed sewage system, storm drainage facilities and of any proposed water distribution system.
  3. A Preliminary Erosion and Sedimentation Control Plan showing locations and types of erosion and sediment and storm water control measures (vegetation, mulching, structural control, etc.). For plans with less than one (1) acre of disturbance, a note indicating the amount of disturbed area and the responsibility for securing the appropriate permits shall be included as follows:  
  
*The estimated area of earth disturbance is \_\_\_\_ Acre. If this disturbance is increased to over 1 acre, it shall be the sole responsibility of the owner to obtain a NPDES permit from the Perry County Conservation District.*
  4. A plan for the proposed sewage treatment and water supply facilities. The official Penn Township Sewerage Plan shall be followed with respect to installation of public sewers.
  5. A completed Department of Environmental Protection's sewage "Plan Revision Module" for submission to DEP by the municipality in compliance with the planning and testing requirements of the Pennsylvania Sewage Facilities Act, (Chapter 73 and Chapter 71 of Title 25 of The Pennsylvania Code). The "Plan Revision Module" shall be completed by the developer at his expense.

#### Section 308- Final Plat Procedure

- A. Not less than fifteen (15) regular business days prior to a regularly scheduled meeting of the Penn Township Planning Commission, the subdivider shall submit two (2) copies of the application for review of Final Subdivision Plan, (one (1) reproducible, and ten (10) copies of the Final Plat) to the Penn Township Secretary who shall initial and date them when received. The Final Plat shall be drawn by a Registered Professional Surveyor. Submission of the Final Plat shall take place within twelve (12) months, except by written request for an extension, but no later than five (5) years after the approval of the Preliminary Plat by the Penn Township Supervisors. If the Subdivider does not submit the Final Plat during that time, the approved Preliminary Plat becomes null and void, however the Subdivider may, due to extenuating circumstances, apply for a time extension from the Penn Township Supervisors upon recommendation of the Penn Township Planning

Commission. Duration of said time extension is one (1) year in length from the date of the approved extension up to the maximum five (5) year limit. Upon request of the Penn Township Planning Commission, the Subdivider may submit the final plat in phases, each of which cover a portion of the entire proposed subdivision as approved in the Preliminary Application and Plan. [Ordinance No. 111, 1/31/1996]

- B. Copies of the Final Plat shall be distributed as follows:
1. Two (2) copies to the Perry County Planning Commission for their review and comments.
  2. One (1) copy to the District Office of the Pennsylvania Department of Transportation for review and mapping of dedicated streets (when applicable).
  3. Five (5) copies of the Plat to the Penn Township Planning Commission.
  4. One (1) copy to the Perry County Conservation District for erosion and sediment and storm water control review (when applicable).
  5. One (1) copy to the Penn Township Engineer for review and comment.
  6. One copy to the Penn Township Zoning Officer for review and comment.
  7. One copy to the Penn Township Municipal Authority for review and comment, as determined by the Penn Township Planning Commission or Board of Supervisors.
- C. The Perry County Planning Commission, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, Penn Township Municipal Engineer, and the Perry County Conservation District shall review the Final Plat to assist the Penn Township Planning Commission with its formal action on the Final Plat.
- D. At a regular or special Penn Township Planning Commission meeting following receipt of reports from agencies listed above, the Penn Township Planning Commission shall:
1. Review the applicant's submission.
  2. Evaluate the Plat, reports and discussion.
  3. Discuss submission with the applicant or applicant's agent (if required).
  4. Determine whether the Final Plat meets the objectives and requirements of this Ordinance and other ordinances of Penn Township.
  5. Either recommend approval, conditional approval or disapproval of the Final Plat to the Penn Township Board of Supervisors. Should the Final Plat be conditionally approved, said conditional approval shall be acceptable to the Applicant.
  6. Submits its report to the Penn Township Board of Supervisors.

When the Penn Township Planning Commission recommends disapproval 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 Ordinance relied upon.

- E. In accordance with Section 508 of the PA Municipalities Planning Code, as amended, within ninety (90) days, beginning from the first regularly scheduled meeting by the Planning Commission after submission of the Final Plan Application, unless said ninety (90) days is extended in writing by agreement of the Applicant, the Penn Township Board of Supervisors shall: [Ordinance No. 111, 1/31/1996]
1. Evaluate the applicant's submission, presentation and report from the Penn Township Planning Commission.
  2. Determine whether the Final Plat meets the objectives and requirements of this Ordinance and other ordinances of Penn Township.
  3. Either approve, conditionally approve or disapprove the Final Plat. Should the Final Plat be conditionally approved, said conditional approval shall be acceptable to the applicant. The Applicant shall within 15 days from the date of the receipt of the notice of the conditional approval, accept or reject the conditions imposed on the Final Plat. Should the Applicant not communicate acceptance of the conditions imposed within 15 days of the receipt of the conditional approval, the plan shall be deemed to be rejected. All correspondence must be by registered or certified mail within the said time limits of the action taken at the regularly scheduled Penn Township Supervisors meeting.
- F. Before approval of the Final Plat, the Penn Township Board of Supervisors shall be assured by means of a proper completion guarantee in the form of a bond, the deposit of funds or securities in an escrow, an irrevocable letter of credit or the building of all improvements. These guarantees shall be of sufficient amount to cover the cost of the required improvements, as estimated by the Penn Township Engineer or a bonafide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements. These estimates and/or bids shall be to the satisfaction of the Penn Township Board of Supervisors that all improvements required by the plan will be installed by the applicant in strict accordance with the standards and specifications of Penn Township and this ordinance and within a specified time after approval of this Final Plan. These said securities shall be made to and deposited with the Penn Township Board of Supervisors.
- G. When the developer has completed all of the required improvements, the developer shall notify the Penn Township Board of Supervisors, in writing by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Penn Township Engineer and Secretary.
1. The Penn Township Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Penn Township Engineer to inspect all of the required improvements.
  2. The Penn Township Engineer shall, thereupon, file a report, in writing with the Penn Township Board of Supervisors, and shall

promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Penn Township Engineer of the authorization for inspection by the Penn Township Board of Supervisors.

3. The report shall be detailed and shall recommend approval or rejection of the improvements, either in whole or in part. If these improvements, or any portion thereof, are not approved by the Penn Township Engineer, the report shall contain a statement of reasons for disapproval.
  4. The Penn Township Board of Supervisors shall notify the developer, in writing, by certified or registered mail of the action taken by the Board with relation to the engineering report.
  5. If the Penn Township Board of Supervisors or the Penn Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond.
  6. If any portion of the said improvement shall not be approved or shall be rejected by the Penn Township Board of Supervisors, the developer shall proceed to complete the same, and upon completion the same procedure of notification as listed above shall be followed.
- H. Upon the approval of a Final Plan, the Township shall, within ninety (90) days of such approval, record such plan in the office of Recorder of Deeds of Perry County. The Township shall retain one signed reproducible copy for its records and return the remaining copies to the Applicant along with the Plan Book and page numbers indicated on the plat. [Ordinance No. 111, 1/31/1996]

#### Section 309 - Final Plat Specifications

- A. The Final Plat shall be drawn on a reproducible material. Sheet sizes shall be no larger than 24" x 36" and shall be drawn to a minimum scale as follows: [Ordinance No. 111, 1/31/1996]
- a. Up to 10 acre lot 1" = 100'
  - b. From 10 acre to 90 acre lot 1" = 200'
  - c. From 90 acre to 150 acre lot 1" = 300'
  - d. Over 150 acre lot 1" = 400'

The Final Plat shall show the details as follows:

1. The designation "Final Plat". The plat shall incorporate all preliminary specifications and address all preliminary plat comments and conditions. [Ordinance No. 111, 1/31/1996]
2. Subdivision or Development name and municipality or municipalities in which located.
3. Name, address and phone number of Registered Professional Surveyor and Registered Professional Engineer (if applicable) responsible for preparation of the subdivision and engineering plans.

4. Name, address and phone number of the record Owner and Developer.
5. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised for each revision, if any.
6. A location map, for the purpose of locating the property being subdivided, showing the relationship of adjoining property to all streets, roads and municipal boundaries.
7. Boundaries of the property from which the lot or lots are being subdivided shall be at a scale of not less than 1" equals 400', including bearings and distances of the property taken from the property deed including the primary control point. [Ordinance No. 111, 1/31/1996]
8. Names of record owners of adjoining land.
9. Reference to recorded subdivision plats within 1000 feet of the proposed subdivision with recorded name, date and number of each subdivision.
10. Existing buildings and other topography and the approximate location of all existing tree masses within the proposed subdivision.
11. Proposed and existing contours at vertical intervals of five (5) feet, or less as required by the Penn Township Board of Supervisors.
12. Purpose for which sites other than residential lots are dedicated or reserved.
13. Land Subject to Flooding -
  - a. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property of aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Plat for such uses as shall not be endangered by periodic or occasional inundation.
  - b. Adequate building site - To insure that residents will have sufficient flood free land upon which to build a house, the Penn Township Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood water on the basis of available information. (For additional information see the Township flood insurance rate maps).
  - c. Street Elevation - The Penn Township Planning Commission shall not recommend approval of streets subject to inundation by flooding. All streets must be adequately located above flood elevation to prevent isolation of areas by flood.
14. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots

and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves, and areas for all lots and total acreage.

15. Name and right-of-way width of each street or other right-of-way.
16. Location, dimensions, and purpose of easements, proposed and existing.
17. Proposed Protective Covenants running with the land, if any.
18. Number to identify each lot and/or site.
19. Building setback lines on all lots and other sites.
20. Parcels of land intended to be dedicated or reserved for schools, parks playground, parking areas, common open space or other public, semi-public or community purpose.
21. Locations and description of survey monuments. All permanent reference monuments shown by an "X" or other appropriate symbol.
22. Certification by Registered Professional Surveyor and Registered Professional Engineer (if applicable) responsible for preparation of the subdivision and engineering plans. All plats, plans, surveys and engineering shall be prepared in accordance with the Act of May 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law", as revised to date. Each plan sheet shall be sealed.
23. Certification of title showing that applicant is the landowner, agent of the landowner or tenant with permission of the landowner.
24. Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated. In cases where the plan proposes private streets or private rights-of-way, the plan shall include an indemnification statement similar to the following and acceptable by the Township:  
  
Maintenance of the private road or right-of-way shown hereon shall not be the responsibility of Penn Township, but shall be the responsibility of the property owners using the private road or right-of-way for ingress and egress. [Ordinance No. 111, 1/31/1996]
25. Signature blocks for all approving or reviewing agencies.
26. Every final plat requiring a driveway access intersecting with a state highway must contain a note that the Pennsylvania Department of Transportation, Occupancy Permit is required, and further, every final plat requiring driveway access intersecting with a state highway must obtain a PENNDOT Occupancy Permit.
27. The layout or arrangement of a subdivision or land development shall conform to the comprehensive plan or any regulation or maps adopted thereto.
28. The plan shall comply with the Penn Township Zoning Ordinance. A zoning data table shall be provided that indicates the required and the proposed requirements for the building setbacks, building

height, impervious coverage, parking requirements, and other items as directed by the Planning Commission.

B Other Data: The Final Plat shall be accompanied by the following data and plans as prescribed by the Engineering Specifications or as required by the laws of the Commonwealth of Pennsylvania. The submission shall include two (2) copies of all applications, plans, specifications, reports, revisions and other documentation for all permits and requirements listed in this section and/or required for the project.

1. Final plans and profiles of streets and alleys showing grades at a minimum scale of one hundred feet (100') horizontal and ten feet (10') vertical.
2. Typical cross sections of streets, showing the width of right-of-ways, width of cartway, location and width of sidewalks, location and size of utility mains, and type of construction.
3. Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated; a plan of any proposed water distribution system showing a pipe sizes and location of valves and fire hydrants. Data submitted shall include hydraulic computations.
4. A final Erosion and Sedimentation Control Plan, showing the location and types of erosion and sediment control measures together with a report, signed by the Perry County Conservation District, indicating that the plan has been reviewed. The requirements for submitting a report signed by the Perry County Conservation District may be waived by the Board of Supervisors if the plan meets the following conditions:
  - a. The plan involves the creation or the development of not more than three (3) lots;
  - b. The proposed area of construction and/or earth disturbance is at least 200 feet from any stream, swale, water course or wetland.
  - c. The plan does not include the construction of streets, storm sewers, or other related site improvements; and the site has been accepted as a minor subdivision as defined in the ordinance.
  - d. The runoff will not impart on adjoining properties and that the proposed construction and earth distribution will be in an area of less than 10% of existing slopes. [Ordinance No. 111, 1/31/1996]
  - e. For plans with less than one (1) acre of disturbance, a note indicating the amount of disturbed area and the responsibility for securing the appropriate permits shall be included as follows:

*The estimated area of earth disturbance is \_\_\_\_ Acre. If this disturbance is increased to over 1 acre, it shall be the sole responsibility of the owner to obtain a NPDES permit from the Perry County Conservation District.*
5. A copy of an application for a permit for earth moving activity

or a permit issued and signed by the Department of Environmental Protection as required by the Rules and Regulations, Chapter 102 "Erosion Control", under P.L. 1987, June 22, 1934, as amended.

6. In the case of subdivision and land development proposed for the sale of lots only, the subdivider shall include on the Final Plat, a covenant with the land assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan.
7. An approval by the Department of Environmental Protection of the "Planning Module for New Land Development."
8. Such other certificates, affidavits, endorsements or dedication as may be required by the Penn Township Planning Commission and/or the Penn Township Board of Supervisors in the enforcement of those regulations or to assure the health and safety of the citizens of Penn Township.
9. Where a proposed public or private street connects to a state highway, the highway occupancy permit as issued by the Pennsylvania Department of Transportation shall be submitted.
10. A report from the Penn Township Sewage Enforcement Officer stating that each lot is suitable for an on-lot sewage disposal system.
11. If a community sewage or water system is proposed, a final plan showing the proposed facilities and backup data including treatment facilities and the collection/distribution system is required. All community systems shall be approved by the Penn Township Municipal Authority prior to Final Plan Approval.
12. A plan showing the location of all soil testing areas on all lots of the development.

#### Section 310 - Plan Procedure and Construction Phase Procedure

The following is the Plan Procedure Outline for review of all plans and the Construction Phase Procedure to be followed in construction of improvements to be dedicated to Penn Township.

ARTICLE IV  
DESIGN STANDARDS

Section 401 Streets

A. General Standards - The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.

1. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets right-of-way to adjoining properties.
2. Streets in and bordering a subdivision or land development shall be coordinated, and be of such width and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
3. Where adjoining areas are not presently subdivided, the arrangement of right-of- ways in the new subdivision shall extend to the property line on the proper projection of the street right-of-way as deemed necessary for future development to adjoining properties.
4. Street types shall be as designated in the Penn Township Comprehensive Plan or as determined by the Township Board of Supervisors. [Ordinance 111, 1/31/1996]
5. Private right-of-way of not less than fifty (50) feet in width with no street surfacing requirements may be permitted to provide access to not more than three (3) lots, dwellings, or dwelling units. Further land development in excess of the three (3) lots, dwellings, or dwelling units using private streets or right-of-ways shall not be permitted. The private right-of-way shall meet the design standards for streets as specified in this Ordinance, except for the requirement for paving. All plans proposing private right-or-ways shall include a note on the plan indicating the number of proposed lots and existing lots associated with the private right-of-way. The following note regarding the maintenance of the private right-of-way shall be included on the plan and included in the deeds for the adjoining lots:

*Maintenance, repair, replacement, and improvements to the private right-of-way shown on this plan shall be the sole responsibility of the lot owners using the private right-of-way for ingress and egress.*

The adjoining lot owners shall also be responsible for the installation and maintenance of any street sign for the private right-of-way and for the installation of a sign indicating the road is privately owned and that the Township is not responsible for maintenance. A maintenance agreement, acceptable to the Township (see sample agreement), shall be prepared and recorded in the Perry County Court House along with the subdivision plan. The lot deeds shall reference the maintenance agreement. A copy

of the maintenance agreement shall be signed by the landowner and submitted to the Township along with the building permit application. [Ordinance 111, 1/31/1996]

B. Street Widths

1. Minimum Street right-of-way and cartway widths shall be as follows:

<u>STREET TYPE</u>	<u>WIDTH</u>	
Arterial Streets	As determined by the Penn Township Supervisors after consultation with the Pennsylvania Department of Transportation and the Penn Township Engineer	
Right-of-way		
Shoulders		
Cartway		
	<u>w/o Curbs</u>	<u>w/Curbs</u>
Collector Street		
Right-of-way	60 feet	60 feet
Shoulders	16 (8' each side) feet	NA
Cartway	24 feet	24 feet
Parking Lanes	NA	10 feet
	<u>w/o Curbs</u>	<u>w/Curbs</u>
Minor Streets		
Right-of-way	50 feet	50 feet
Shoulders	10 (5' each side) feet	NA
Cartway	20 feet	20 feet
Parking Lanes	NA	8 feet
Private Streets		
Right-of-way	30 feet	50 feet
Shoulders	6 (3' each side) feet	NA
Cartway	18 feet	20 feet
Parking Lanes	NA	8 feet
Turn around or Cul-de-Sac (diameter)		
Right-of-way	100 feet	
Cartway	80 feet	
Alley or Service Drive		
Right-of-way	20 feet	
Cartway	20 feet	

\*Cartway width may be reduced if paved off-street parking areas are provided.

2. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Penn Township Supervisors in specific cases for:
  - a. Public safety and convenience.
  - b. Parking in commercial and industrial areas and in areas of high-density development.
  - c. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

3. When the subdivision or land development is proposed fronting on an existing Township Road, except for a PENNDOT Highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be shown on the Final Plat. The developer shall prepare, submit and execute the appropriate deeds of dedication for the dedicated right-of-way as determined by the Township Board of Supervisors.

C. Horizontal Alignment

1. Intersections -

Intersections: involving the junction of more than two (2) streets are prohibited. Right-angle intersections must be used wherever practical however, in no case shall streets intersect at less than seventy-five (75) degrees.

2. Intersection curve Radii -

At intersections or streets the radius of the curb or edge of pavement radii shall not be less than the following:

<u>Intersection</u>	<u>Curb or Edge of Pavement</u>
Collector with Collector Street	thirty-five (35') feet
Collector with Minor Street	twenty-five (25') feet
Minor Street with Minor Street	fifteen (15') feet
Private Street with other Street	fifteen (15') feet

Property lines of corner properties adjacent to intersections shall be substantially concentric with curb lines or edge of pavement.

3. Intersection Sight Distance -

Proper sight lines must be maintained at all intersections.

- a. Where intersections occur between proposed new streets within a new subdivision there must be a clear sight triangle that conforms to the standards established in PENNDOT Publication 70M, December 2002 Edition, "Guidelines for Design of Local Roads and Streets", as amended. No building or obstruction shall be permitted this area.
- b. Where intersections occur between proposed new streets or driveways providing access to separate parcels of land and state highway (Legislative Routes, Pennsylvania Routes and United States Routes) on arterial streets, there must be a clear sight triangle provided in accordance with the requirements of the Pennsylvania Department of Transportation. (See form 950 J. Rev, 4-68)

4. Streets Not in Alignment -

If streets are not in alignment, the distance between the centerline of streets opening on opposite side of an existing or proposed street shall be no less than one hundred twenty-five (125') feet.

5. Sight Distance -

Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line, three and one-half (3 ½') feet above grade, the minimum sight distance must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	Based on PENNDOT criteria considering classification and design speed.
Collector	two hundred (200') feet
Minor	one hundred (100') feet
Private	one hundred (100') feet

6. Curves -

Where connecting street lines deflect from each other at any one point by more than five (5) degrees, the line must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>Type of Street</u>	<u>Minimum Radius</u>
Collector	three hundred (300') feet
Minor	one hundred fifty (150') feet
Private	one hundred fifty (150') feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor or private streets there must be a tangent of at least one hundred (100') feet between reverse curves.

7. Cul-de-sacs or Dead End Streets -

Cul-de-sacs or dead end streets, designed to be so permanently, shall not exceed fifteen hundred (1500') feet in length, and shall be provided with a turn around having minimum dimensions for right-of-way and cartway widths as indicated in the preceding section.

D. Vertical Alignment

1. Street Grades -

a. The grades of streets shall not be less than the minimum or more than maximum requirements listed below.

<u>Type of Street</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
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All streets	0.75%
Arterial Streets	As determined by the Board of Supervisors after consultation with the Pennsylvania Department of Transportation
Collector Streets	Seven (7%) percent
Minor Streets	Twelve (12%) percent
Minor Streets	Twelve (12%) percent

- b. Vertical curves shall be used in all changes of grade and designed for maximum visibility. Intersections shall be approached on all sides by leveling areas not to exceed four (4) percent. Such leveling areas shall have a minimum length of one hundred (100') feet (measured from the intersection centerline). The slope from the intersecting street shall be a minimum slope of two (2%) percent for a minimum length fifty (50') feet from the intersection with an intersecting vertical curve.

E. Slope of Banks along Streets-

The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

1. One (1') foot of vertical measurement for three (3') feet horizontal measurement for fills.
2. One (1') foot of vertical measurement for two (2') feet of horizontal measurement for cuts.

F. Partial and Half-streets -

The dedication of half-streets at the perimeter of new subdivisions is prohibited.

G. Names of Streets -

Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixed such as "land", "drive", "way", "court", "avenue", etc. In approving the names of streets cognizance may 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 or alignment with an existing or platted street.

Section 402 - Alleys and Service Roads

Alleys shall be prohibited in residential districts except where proven to be necessary.

Section 403 - Easements

- A. The minimum width of easements shall be fifteen (15') feet for under ground facilities and twenty-five (25') feet for drainage facilities. Wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Board of Supervisors depending on the purpose of the easement.
- B. Where a subdivision 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 or protecting such drainage facilities, or purpose for the purpose of installing a storm water sewer.

- C. Applicant shall provide the Board of Supervisors with a statement from the Utility Company as to easement adequacy.
- D. Snow removal stockpile easements shall be provided at all intersections and cul-de-sacs. The snow removal stockpile easement shall be a minimum of 40 feet in length along the cartway. The depth shall be measured from the edge of the right-of-way and shall be in no case less than ten (10) feet. No on-street parking, driveway, structure, any above ground part of any utility, landscaping, or any other use shall be permitted along and within the snow removal stockpile easement that would interfere with the intended purpose of the easement. All snow removal stockpile easements shall be delineated on all plans and the restrictions on their use shall be noted on the plans. All locations shall be approved by the Township

#### Section 404 - Blocks

Blocks shall not exceed fifteen hundred (1500') feet in length and shall be of sufficient depth to permit two (2) tiers of lots, except as otherwise provided for herein.

#### Section 405 - Lots

- A. General - The arrangement and other design standards of lots shall conform to the Penn Township Zoning Ordinance and the following requirements:
  - 1. Layout of lots -Every lot shall abut a public street or private right-of-way. Side lot lines should be at right angles or radial to street lines. [Ordinance 111, 1/31/1996]
  - 2. Double Frontage - Double frontage lots shall be avoided, except that, where desired along arterial streets or limited access highways, reverse frontage lots shall face on and access from an interior street, and back on such thoroughfares. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.
- B. Lot Sizes and Sewage Facilities Requirements.
  - 1. The applicant shall arrange for the required tests to be made on the tract as prescribed by the DEP in order to provide the data necessary for the platting of lots for adequate size for on-lot sewage disposal or to determine the need for other sewage disposal methods.
  - 2. The results of these tests shall be submitted to the Township Supervisors in a module provided by the Department of Environmental Protection.
  - 3. From the results of these tests and reports, the lot size shall be established large enough to provide for specified minimum area

required for the absorption field as prescribed in accordance with the Department of Environmental Protection report, but in no case shall the lot size be less than designated in the Penn Township Zoning Ordinance unless a variance has been secured.

4. Where on-lot water is to be used, the lot shall be large enough so that the water source shall be located no closer to the absorption fields of on-lot sewage facilities than the distance specified in accordance with the "Rules and Regulations of the Department of Environmental Protection; Chapter 73 -Standards for Sewage Disposal Facilities, as revised to date".

C. Space between Buildings for Land Development

1. The space between buildings where land development is proposed shall be provided in accordance with the following schedule:

<u>Designation</u>	<u>Space between Buildings</u>
Front to Front	70 Feet
Front to Side	50 Feet
Front to Rear	70 Feet
Side to Rear	30 Feet
Side to Side	30 Feet
Rear to Rear	50 Feet
Corner to Corner	20 Feet

2. The space between buildings shall be increased one (1') foot for each additional foot that the height of the building exceeds thirty-five (35') feet.

D. Access

1. Each subdivision and land development plan shall be designed to provide for access to each lot and/or each dwelling unit within a development by a public street or private right-of-way. [Ordinance 111, 1/31/1996]
2. Streets shall be laid out to provide for access to all lots and to adjacent undeveloped areas, and the subdivider or developer shall improve or reserve access streets to the limits of the subdivision or land development if reviewed and recommended by the Planning Commission.
3. Panhandled lots may be permitted provided they meet the requirements of the Penn Township Zoning Ordinance.

E. Soils Analysis

Soils analysis shall be required by the Township on each proposed lot in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. 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 requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as set forth in the Penn Township Zoning Ordinance.

- A. A Storm Water Management Plan (SWMP) shall be required for each subdivision or land development plan at both the Preliminary and Final Plan submittal stage. As an integral part of the SWMP, Erosion and Sedimentation Control measures shall be included. All erosion control shall be in accordance with Perry County Soil Conservation and DER regulation.
- B. The SWMP shall be in accordance with the Penn Township Storm Water Management Ordinance, as revised to date. Copies are available at the Penn Township office.

Section 407 - Erosion and Sediment Control

General - These Erosion and Sedimentation Control measures shall meet the requirements of this ordinance and the "Soil Erosion and Sedimentation Control Handbook" of the Perry County Conservation District, as revised to date. All Erosion Control Plans shall be submitted to the Perry County Conservation District for review, comment and approval.

- 1. Penn Township shall not issue a building permit to those engaged in earth-moving activities requiring a Department of Environmental Protection permit until the Department has issued a permit and/or plans are completed in accordance with Chapter 102, Rules and Regulations of DEP, as amended.
- 2. Further, under the requirements noted above, Penn Township shall notify the Department of Environmental Protection or the Perry County Conservation District immediately upon receipt of an application for a building permit involving earth moving activity which disturbs the cover of one (1) acre or more of land.

Section 408 - Water Supply

In the event that water is to be provided by a means other than private wells, owned and maintained by the individual owners of lots within a subdivision development, applicants shall present evidence to the governing body and the planning agency that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association, or by a municipal corporation authority or utility. A copy of the certificate of public convenience under the Pennsylvania Public Utilities Commission, or an application for such certificate, cooperative agreement or a commitment, or an agreement to serve the area in question, whichever is appropriate, shall be evidence of the supply of water as set forth above other than by means of private wells.

- A. Applicability.
  - 1. All residential subdivisions or residential land development proposing six or more lots and/or units whether initially or cumulatively, as of the effective date of this Ordinance.
  - 2. All non-residential land development.
- B. Connection to Public Water System or Provision of Community Water System.
  - 1. All Development which falls under Section 409 above shall be served by public water if the Board of Supervisors

determines that public water is available.

- (a) If connection to an existing public water system is proposed, the applicant shall submit an agreement committing the public water provider to provide such water as the Development will utilize for such period of time and under such terms and conditions as the public water provider provides water service elsewhere in its service area.
2. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the EPA.
3. If applicant proposed to serve the Development with a community water system, the applicant shall demonstrate that the community water system shall be in compliance with all requirements of this Article, the Subdivision and Land Development Ordinance, and the DEP.

C. Minimum Requirements for Water Supply.

If the applicant proposes to serve the Development by means of a water supply system using water obtained from the Tract (irrespective of whether that water is being distributed as a part of a community water supply system or individual wells), that water supply source may be utilized only when the Report establishes, and the engineer performing the study to support the Report certifies, that the water supply will provide the required yield and demand, and that withdrawal rates and amounts shall be managed to balance natural recharge rates and amounts on a site-specific basis to insure that the potential of interference with adjacent properties is minimized.

D. Requirements for Water Service Feasibility Report.

1. An applicant shall contact the Township before beginning preparation of the Report and shall submit an application to file a water service feasibility report. Such application shall be accompanied by the filing fee established by ordinance or resolution. The application shall at a minimum state:
  - (a) The professional engineer and/or professional geologist who will prepare the Report.
  - (b) The Tract which will be developed and the nature and extent of the proposed Development.
  - (c) The scope and the method of analysis of the study and testing data prior to initiating the study necessary to prepare the Report.
2. The Township Engineer shall approve the scope and the method of analysis of the study and testing data. The applicant shall reimburse the Township for all costs incurred by the Township Engineer in meeting with the applicant and reviewing the application.
3. The Applicant shall present the completed Report and all supporting data to the Township before approval of the preliminary plan or, if the Subdivision Ordinance does not require submission of a preliminary plan, with the application for approval of a final plan.

4. The Township Engineer shall review the Report to determine if it contains all information this Article requires. If the Report is incomplete, the Township Engineer shall reject the Report and inform the applicant of the deficiencies in writing. The applicant may resubmit the Report after addressing the Township Engineer's comments or may appeal the determination of the Township Engineer to the Board of Supervisors. The applicant shall reimburse the Township for all costs of the Township Engineer in meeting with the applicant, analyzing the Report, and presenting information to the Township Planning Commission and Board of Supervisors.
5. The Applicant shall include the following data, presented in tabular form, for all existing wells within a one-quarter mile (<sup>1</sup>/<sub>4</sub>) miles radius of the Tract as provided by the Water Well Inventory maintained by DCNR Bureau of Topographic and Geologic Survey as part of the Report:
  - (a) Pennsylvania Well Identification number.
  - (b) Date Drilled.
  - (c) Latitude and Longitude.
  - (d) Current street address.
  - (e) Well Depth.
  - (f) Static Water Level.
  - (g) Well Yield.
  - (h) Yield Measure Method
  - (i) Length of Yield Test
6. Minimum Residential Yield/Demand Requirement. The minimum acceptable yield and demand for residential units shall be three hundred fifteen (315) gallons per day per unit of residential occupancy at a demand rate of not less than two (2) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.
7. Minimum Principal Non-Residential Yield/Demand Requirement. The minimum acceptable yield and demand for non-residential units shall be four hundred (400) gallons per day per unit of non-residential occupancy at a demand rate of not less than four (4) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.
8. The Report shall contain a drawdown/well interference analysis as follows:
  - (a) For any Development proposing five (5) to ten (10) lots or dwelling units, either initially or cumulatively as of the effective date of this Ordinance, the report may be prepared using available reference information and data or may be prepared by on-site testing and observation.
  - (b) For any Development proposing eleven (11) or more dwelling units, including remaining lands, either initially or cumulatively as of the effective date of this Ordinance,

the report shall be prepared using on-site testing and observations.

- (c) A drawdown/well interference report shall be prepared for all non-residential Developments proposing water consumption of four hundred (400) gallons per day, either initially or cumulatively, as of the effective date of this Article.
- (i) For non-residential Developments proposing more than four hundred (400) gallons per day, but less than one thousand two hundred (1,200) gallons per day, either initially or cumulatively as of the effective date of this Article, the Report may be prepared using available reference information and data, or may be prepared by on-site testing and observation.
  - (ii) For non-residential Developments proposing one thousand two hundred (1,200) or more gallons per day, either initially or cumulatively as of the effective date of this Article, the Report shall be prepared using on-site testing and observations.
  - (iii) For those Tracts for which the drawdown/well interference report was prepared by using available reference information and data (as opposed to onsite testing and observation), and the Report indicates that the yield or demand will be within twenty five (25 %) percent of the minimum requirements as provided above, the applicant shall be required to install the well(s) and demonstrate that the supply is capable of meeting the yield and demand requirements prior to the application for any permits authorizing any construction upon the Tract.
  - (iv) The on-site testing and observations as required above shall be accomplished by at least one (1) pumped well and at least two (2) observation wells which have hydraulic continuity with the pumped well(s).
  - (v) The Report shall demonstrate that the groundwater recharge on the specific tract will exceed the anticipated water withdrawal during a one (1) in ten (10) year drought or a forty (40%) percent below normal reduction in precipitation for recharge based upon the following:
    - a. The area available for recharge shall be based upon post-developed impervious conditions.
    - b. The recharge rate may include estimated recharge from on-lot sewage disposal systems.
    - c. The recharge rate shall include an analysis of the impact of the post developed storm water management system.
    - d. The recharge rate may include estimated recharge from storm water management infiltration facilities based upon a forty (40%) percent reduction in precipitation.

- (vi) For residential Developments, the water withdrawal rate shall be based upon a rate of three hundred fifteen (315) gallons per day per three- (3) bedroom dwelling.
  - a. The water withdrawal rate shall be increased by ninety (90) gallons per day for each additional bedroom over three (3) bedrooms.
- (vii) Commercial, industrial, agricultural or any other non-residential Development water withdrawal rates shall be calculated by increasing the DEP sewage flows as provided Pennsylvania Code Title 25, Environmental Protection, Chapter 73, Standards for Sewage Disposal, Section 73.17, Sewage Flows, by twenty (20%) percent.
  - a. The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.
- (viii) Water withdrawal rates for all other uses not provided for by the above shall be based upon the maximum anticipated peak demand increased by twenty (20%) percent.
  - a. The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.
  - b. The applicant shall develop a preliminary groundwater computer model to produce a plot of the anticipated drawdown within the groundwater system to demonstrate that the installation of the proposed water system(s) will not lower the groundwater table in the area so as to endanger or decrease the water supplies necessary for any existing or potential use(s) upon properties adjacent to the proposed project.

E. Review of and Effect of Report.

1. The applicant shall supply the Report to the Township Engineer for review to determine compliance with this Article. The Township Engineer shall determine whether the Report contains all information and studies this Article requires and whether the Report demonstrates that there proposed water supply for the Development meets the minimum standards of this Article.
2. The Township Engineer shall provide the Township Planning Commission and the Board of Supervisors with a review of the Report.
3. The Township Planning Commission shall review the Report and shall notify the Board of Supervisors whether the Development meets the minimum requirements of this Article for a safe, adequate and reliable water supply.

F. Regulations for Community Water Systems installed in the Township.

1. Any person who proposes the installation and use of a community water system shall demonstrate that the community water system meets the requirements of this Article for a safe, adequate and reliable water supply. Such person shall submit an application to the Township for a permit to operate a community water system which applicant shall include:
  - (a) A report prepared under this Article.
  - (b) A copy of all information supplied to DEP concerning the community water system.
  - (c) A copy of the DEP approval to operate the community water system.
2. The Township may annually inspect each community water system. The owner of the community water system shall pay all costs associated with the yearly inspection of the community water system. The person performing the inspection shall be deemed qualified by the Township to perform the inspections required by this Ordinance.
3. All persons who own a lot which is served by a community water system shall properly use such community water system. The owner of the community water system shall property maintain the community water system.
4. Any person who owns a lot served by a community water system, any person who occupies a lot served by a community water system, any person who owns a community water system, and any person maintaining a community water system shall report any malfunctioning or contamination of such community water system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction or contamination.

Section 409 - Public Dedication of Park and Recreation Land (July 25, 2007)

1. Applicability and Intent - All residential subdivisions and residential land development plans consisting of eleven (11) lots/units, whether initially or cumulatively as of the effective date of this ordinance shall comply with the provisions of this section and shall provide for suitable and adequate recreation in order to:
  - a. Ensure recreation areas and facilities are adequate to serve the residents of the Township;
  - b. Maintain compliance with the conclusions and recommendations in the Township's Park and Recreation Plan;
  - c. Ensure that all residents have the opportunity to engage in varied recreation activities which includes passive and active forms of recreation;
  - d. Reduce the increasing user pressure on existing recreational areas and facilities.
2. Compliance Options - In accordance with recommendations of the Park and Recreation Board, all major residential subdivisions and residential land development plans consisting of eleven (11) or more lots/units, whether initially or cumulatively as of the effective date of this ordinance, shall be provided with park and recreation land that shall be dedicated to the Township; however, the developer may request the Township not require the dedication of land and any such request shall be accompanied by the following:
  - a. An offer to pay fee in lieu of dedication of land, computed in accordance with the regulations provided herein;
  - b. An offer to construct recreational facilities; and/or
  - c. An offer to privately reserve land for park and recreation purposes.
3. Dedication and Transfer Requirements
  - a. The amount of land required to be dedicated shall be four thousand three hundred and fifty-six (4,356) square feet per lot/unit proposed.
  - b. The amount of land required to be dedicated shall be transferred to the Township by deed of dedication immediately after the recording of the plan. The deed of dedication shall include the legal description of the area and shall be submitted with the final plan for approval by the Township Solicitor. Title to the land to be dedicated shall be good and marketable and free of all liens and encumbrances or other defects.
  - c. Prior to dedication, the applicant shall state what improvements, if any, the applicant intends to make to the land to make it suitable for intended purposes, such as grading, landscaping, and installation of recreational facilities. The land shall be free of construction debris at the time of dedication and shall not contain above ground or open stormwater management facilities.

#### 4. Design Requirements for Land to be Dedicated

- a. The proposed park site shall be easily accessible from all areas of the subdivision or land development plan or larger regional area depending on the type of park being offered for dedication and/or developed. One side of land offered for dedication must abut a public street for a minimum distance of seventy-five (75) feet.
- b. Size, dimension, and shape of the park site shall be suitable to accommodate those park and recreation activities deemed appropriate to the location as determined by the Penn Township Parks and Recreation Department utilizing National Park and Recreation Standards and recommendations in the Penn Township Park and Recreation Plan.
- c. If available, the park site shall be located and designed to conveniently access public utilities including but not limited to sanitary sewer, potable water, and electric service.
- d. Whenever possible, the proposed park site shall be adjacent to other existing recreational lands to create a comprehensive recreation area.
- e. Land shall not be subject to or in any way encumbered by rights of way, streets, easements, or any restrictive covenants unless the Township determines that such items shall not interfere with the use of said land for recreational use.
- f. It shall be the responsibility of the applicant to complete all improvements (sidewalk, storm drainage, curbing, streets, utilities) required by the subdivision or land development plan.
- g. The applicant must clear and grade the site as required by the Township to blend into the development and to be suitably prepared for the intended recreational use.
- h. The Township may, after acceptance, reconvey such land to a public conservancy or a public park system as long as the land would remain available for use by the residents of the Township.
- i. The applicant shall provide and pay for any tests, investigations, inspections, surveys as required by the Township so as to assure immediate availability of land for recreational use. Such test, investigations, inspections or surveys may include, but not be limited to Phase I Environmental Study, Wetland Delineation, Flood Plain Delineation, Archaeological Study, Survey description of tract with pins installed.
- j. All lands proposed for dedication as a park shall be reviewed by the Penn Township Planning Commission and Park and Recreation Board. The Park and Recreation Board shall review the proposal and make a recommendation to the Penn Township Planning Commission on the suitability of the proposed land for dedication as a park within thirty (30) days; otherwise the proposal shall be deemed acceptable by the Penn Township Park and Recreation Board. The Penn Township Planning Commission, utilizing the information and recommendation from the Park and Recreation Board, shall provide a recommendation to the Penn Township Board

of Supervisors on the suitability of the proposed land for dedication as a park.

#### 5. Design Criteria for Land to be Dedicated

- a. A maximum of fifteen (15%) percent of the total land area required by this ordinance to be provided for recreation may be located within one-hundred year flood plain area, consist of wetlands, or have a slope in excess of six (6%) percent or any combination thereof.
- b. A minimum of eighty-five (85%) percent of the land will be relatively flat topography that does not exceed six (6%) percent and shall consist of land with suitable soil conditions for development and use as a recreation area.
- c. In the event the site contains natural features which are worthy of preservation, the developer may request that the Township permit the provision of recreational land configured in such a manner as to best preserve natural features.

#### 6. Land Dedication Versus Fees

- a. The Penn Township Planning Commission shall recommend to the Board of Supervisors whether land dedication or the payment of fees is desirable. This recommendation may be made at the time of the sketch plan or preliminary plan review by the Planning Commission. The Planning Commission shall consider at a minimum the following points in reaching its decision:
  - i. Whether the land proposed to be dedicated would serve a valid public purpose.
  - ii. Whether the proposed land meets the standards of the Penn Township Park and Recreation Plan.
  - iii. Recommendations received from the Penn Township Park and Recreation Board.

#### 7. Fees on Lieu of Land Dedication Requirement

- a. Where the Penn Township Board of Supervisors determines that because of size, shape, location, access, topography, or other physical features of the land that is impractical to dedicate land to the Township or set aside a recreation area as required by this ordinance, the Board of Supervisors shall require a payment in fee-in-lieu of such land which shall be payable to the Township prior to recordation of the plan, or by other arrangements agreed upon by the Board. Such fees shall be paid per lot and/or unit proposed. Fees shall be set by the resolution of the Board of Supervisors.
- b. All fees shall be held and used by the Township in accordance with the requirements of Article V, Section 503(11) of the Pennsylvania Municipalities Planning Code.

8. Private dedication of Land - The Penn Township Board of Supervisors may accept the private reservation of the required percentage of land in lieu of public dedication. The use of private land for recreation shall meet the land dedication formula in Section 409.3.a, design requirements in Section 409.4 and design criteria in

Section 409.5. In such event, the applicant shall satisfy the Board of Supervisors that adequate provisions to assure retention of 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.

9. Optional Recreation Procedure - Upon agreement by the applicant, the Township may accept the construction of recreational facilities, the payment of fees-in-lieu thereof, the private reservation of land for recreational purposes, the dedication of land located on other areas of the Township, or a combination thereof.

## **ARTICLE V**

### **IMPROVEMENT AND CONSTRUCTION REQUIREMENTS**

#### Section 501 - Requirement of Developer

The developer shall provide all improvements required by these regulations.

#### Section 502 - Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval

- A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with such Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to Section 502.I, the Subdivision and Land Ordinance shall provide for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law" and a copy of the financial security shall be provided to the Township.
- B. When requested by the Developer, in order to facilitate financing, the governing body or the planning agency, if designated, shall furnish the Developer with a signed copy of a resolution indicating approval of the Final Plat contingent upon the Developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvement 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 governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.
- C. Without limitation as to other types of financial security, which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution's irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or

lending institution is authorized to conduct such business within the Commonwealth.

- E. Such bond or other security shall provide for, and secure to the public, the completion of any improvement which may be required on or before the date fixing the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Developer. Annually, the Municipality 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 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the Developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the Developer in accordance with this subsection.
- G. 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 or Developer 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 Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the Applicant or Developer and the Municipality 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 Municipality and the Applicant or Developer. 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 Municipality and the Applicant or Developer.
- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvement as established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plant by section or stages of development subject to such requirements or guarantees as to improvements in future sections or states of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or

contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Penn Township Municipal Engineer fairly representing the value of the improvement completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

- K. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- L. 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 controlling public utility or Municipal Authority and shall not be included within the financial security as otherwise required by this Section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: The improvement of the streets 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. Any Ordinance or statute inconsistent herewith is hereby expressly repealed.

Section 503 - Release of Improvement Bond

- A. When the Developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body,

in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Penn Township Municipal Engineer. The municipal governing body shall, within ten (10) days after receipt of such notice, direct and authorize the Penn Township Municipal Engineer to inspect all of the aforesaid improvements. The Penn Township Municipal Engineer shall, thereupon, file a report in writing with the municipal governing body, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Penn Township Municipal Engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Penn Township Municipal Engineer, said report shall contain a statement of reasons for such no approval or rejection.

- B. The municipal governing body shall notify the Developer, within fifteen (15) days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.
- C. If the municipal governing body or the Penn Township Municipal Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. Nothing herein, however, shall be construed in limitation of the Developer's right to contest or question by legal proceeding or otherwise, any determination of the municipal governing body or the Penn Township Municipal Engineer.
- F. Where herein reference is made to the Penn Township Municipal Engineer, he shall be as a consultant thereto.
- G. The Applicant shall reimburse the Municipality for all reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by Ordinance or Resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Penn Township Municipal Engineer or Professional 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 Engineer or Professional Consultant to the Municipalities when fees are not reimbursed or otherwise imposed on Applicants.
  - 1. In the event the Applicant disputes the amount of any such expenses in connection with the inspection of improvements, the Applicant shall, within ten (10) working days of the date of billing, notify the Municipality that such expenses are disputed as unreasonable or unnecessary, in which case the Municipality 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 Professional Consultant expenses.

2. If, within twenty (20) days from the date of billing, the Municipality and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Municipality shall jointly, by mutual agreement, appoint other Professional Consultant or 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 or Professional Consultant so appointed shall hear such evidence and review such documentation, as the Professional Engineer or Professional Consultant 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 Municipality and Applicant cannot agree upon the Professional Engineer or Professional Consultant 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 Municipality is located (or if at the time there be no President Judge, then the senior active Judge then sitting) shall appoint such Engineer or Professional Consultant, who, in that case, shall be neither the Municipal Engineer nor any Professional Engineer who has been retained by, or performed services for, the Municipality or the applicant within the preceding five (5) years.
5. The fee of the appointed Professional Engineer or Professional Consultant 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 one thousand (1,000) dollars or more, the Municipality shall pay the fee of the Professional Engineer or Professional Consultant, but otherwise the Municipality and the Applicant shall pay each one-half of the fees of the appointed Professional Engineer or Professional Consultant.

#### Section 504 - Remedies to Effect Completion of Improvements

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

#### Section 505 - Monuments and Markers

- A. Monuments must be set:

1. At the intersections of all street right-of-way lines and any deflection points of the right-of-way line.
2. At the intersecting corners of boundaries on subdivisions or a minimum of two (2) additional monuments set on boundary lines forming angles with one another between exterior boundary corners.
3. At such intermediate points as may be required by the Penn Township Municipal Engineer.

B. Monuments and markers shall be made of the following size and material:

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 four (4) inch cast iron or steel pipe filled with concrete. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.
2. Markers shall be three-quarters (3/4) of an inch square or three-quarters (3/4) of an inch in diameter and twenty-four (24) inches long. Markers shall be made of iron pipes or iron or steel bars.

C. Markers must be set:

1. At all corners except those monumented.
2. By the time the property is offered for sale.

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.

1. The monument or marker must be set that the top is at the ground level.

Section 506 - Street Surfacing

A. Streets - Streets 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 Supervisors. Before paving the streets surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Supervisors. The pavement base, wearing surface and shoulders must be constructed according to the following specifications excepting however that for the construction of arterial roads or highways, the subdivider shall consult the Supervisors and be governed by the Pennsylvania Department of Transportation for the method of construction to be used and the design shall conform to PennDOT Pub. 242.

B. Pavement - The pavement base and wearing surface must be in accordance with, and constructed in accordance with the Pennsylvania Department of Transportation, Pub. 408, as revised to date. The following Table will outline the alternates available to the developer.

Flexible Pavements	Pavement Courses	Minor	<u>Streets</u>	
			Collector	
Option No. 1	Wearing	1 1/2"	1 1/2"	
	Binder	0"	2"	
	Base	4 1/2"	4"	
	Subbase	8"	8"	
Option No. 2	Wearing	1 1/2"	1 1/2"	
	Binder	2"	2"	
	CABC	6"	8"	
	Subbase	8"	8"	

LEGEND

- \* Wearing Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-20, 0.0 to 0.3 million ESAL's, 9.5 mm mix, SRL L.
- \* Binder Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-20, 0.0 to 0.3 million ESAL's, 19.0 mm mix.
- \* Base Superpave Asphalt Mixture Design, HMA Base Course, PG 64-20, 0.0 to 0.3 million ESAL's, 25.0 mm mix.
- \* CABC Crushed Aggregate Base Course

1. For the construction of arterial roads or highways, the subdivider shall consult the Penn Township Board of Supervisors and be governed by the Pennsylvania Department of Transportation Specifications for the method of construction to be used. (Form 408, as revised to date) and to submit pavement design calculations in accordance with PennDOT Pub. 242.
2. The Penn Township Board of Supervisors shall decide if a Collector or Arterial Street is required as a direct result of the construction of his subdivision in which case the Applicant is responsible for paving the additional width required and submitting pavement design calculations in accordance with PennDOT Pub. 242.

C. Shoulders

1. All shoulders shall be constructed in accordance with PENNDOT Pub. 408, latest revision.
2. Minor roads shall be a Type 3 Shoulder as shown on RC-25 of the PENNDOT Standards for Roadway Construction, Pub. 72, latest revision.
3. Collector roads shall be a Type 1 Shoulder, Type 1-I Shoulder, or a Type I-S Shoulder as shown on RC-25 of the PENNDOT Standards for Roadway Construction, Pub. 72, latest revision.
4. Arterial roads shoulders shall be the type as determined by the Township Board of Supervisors after consulting with the Penn Township Planning Commission and the Pennsylvania Department of Transportation.

D. Driveway Entrances

1. Entrances onto Township Roads
  - a. Where a proposed driveway provides access onto a Township road the design shall prevent storm water drainage from flowing onto the Township road. The plan of the proposed access shall be submitted to the Township Engineer for review and approval.
  - b. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (10) feet in width, the type and depths of base and

wearing surface to be the same as specified above for roadway paving. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

- c. All driveways other than the driveways referenced in (2.a) below shall require a driveway permit issued by the Penn Township Supervisors and constructed in accordance with the Penn Township Driveway Occupancy Permit Ordinance, as revised to date. This shall include driveways on Developer's Bonded Roads prior to dedication.

2. Entrances onto State Roads (PENNDOT)

- a. Where a proposed driveway provides access onto a State Highway (Legislative Route, Pennsylvania Route or United States Route) the design of such driveway access and drainage shall be prepared in accordance with the requirements of the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department.

Section 507 - Sewers and Water

- A. Where a public sanitary sewer system is within three thousand (3,000) feet of, or where plans approved by the Municipality provide for the installation of such public sanitary sewer facilities to within three thousand (3,000) feet of, a proposed subdivision and/or land development with more than three (3) lots or equivalent dwelling units, the Developer shall provide the subdivision with a complete sanitary sewer system, including the lines and facilities necessary to connect to the existing or proposed public sewer, as designed by a Registered Professional Engineer, if, in the opinion of the Municipal Authority, on the recommendation of the Planning Commission, it is feasible. All non-residential properties shall install a water meter for verification of EDU usage in accordance with the rules and regulations of the Penn Township Municipal Authority. The design must be submitted to the Penn Township Municipal Authority for review and approval.
- B. Where the installation of a sanitary sewer system is not required, the Developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank, dosing tank (if applicable) and absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Protection" and shall be approved by the Penn Township Sewage Enforcement officer.
- C. Where a private, community sewerage system is proposed, such system shall be subject to approval of the Pennsylvania Department of Environmental Protection before approval by Penn Township. As a condition of Township approval, the Board of Supervisors, upon recommendation of the Planning Commission and Penn Township Municipal Authority may establish terms for future acceptance of such systems by the Penn Township Municipal Authority, which may include a deferral of acceptance or a permanent refusal to accept. All private community sewerage systems shall be owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established prior to Final Plan approval.
- D. Where a Municipal public water distribution system is within three

thousand (3,000) feet of, or where plans approved by the Municipality provide for the installation of such public water distribution facilities to within three thousand (3,000) feet of a proposed subdivision and/or land development of greater than three (3) lots or equivalent dwelling units the Developer shall provide the Subdivision with a complete water main distribution system, including the lines and facilities necessary to connect to the existing or proposed public water system, as designed by a Professional Engineer, if, in the opinion of the Municipal Authority, on the recommendation of the Planning Commission, it is feasible. The design must be submitted to the Penn Township Municipal Authority for review and approval.

- E. Where installation of a water distribution system is not required, the Developer or Owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as to source and installation.
- F. Water supply facilities will be designed so as to provide adequate supply and pressure for domestic use and for fire fighting purposes as determined by the Penn Township Municipal Authority.
- G. Where a private community water system is proposed, such system shall be subject to the applicable approval of the Pennsylvania Department of Environmental Protection before approval by Penn Township. As a condition of Township approval, the Board of Supervisors, upon recommendation of the Planning Commission and the Penn Township Municipal Authority may establish terms for future acceptance of such systems by the Penn Township Municipal Authority, which may include a deferral of acceptance or a permanent refusal to accept. All private community water systems shall be owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established prior to Final Plan approval.

Section 508 Storm Water Management Construction Standards & Basic Construction Criteria

- A. Construction standards of storm water management and erosion control facilities shall be in accordance with the approved plan and accompanying Specifications, if any. The construction details and standards of the following publications in their most recent revision shall control.
  - a. Erosion and Sedimentation Control Handbook of Cumberland, of Cumberland, Dauphin and Perry Counties."
  - b. PENNDOT, Form 408, Specifications.
  - c. PENNDOT, RC Series, Roadway Construction Standards.
- B. Whenever the evidence available to the Penn Township Supervisors and/or the recommendation of the Penn Township Planning Commission indicates existing surface drainage is inadequate, the subdivider shall install storm sewers, culverts, and related facilities designed by a Registered Professional Engineer, as necessary to:
  - 1. Permit the unimpeded flow of natural water courses.
  - 2. Ensure the drainage of all low points along the line of streets.

3. Intercept storm water run off along streets at intervals reasonably related to the extent and grade of the area drained.
  4. Provide positive drainage away from on site sewage disposal facilities.
- C. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run off that may occur when all the property at a higher elevation in the same drainage basin is fully developed.
- D. Existing Facilities
1. Where adequate existing storm sewers are readily accessible, the subdivider must connect his storm water facilities to these existing storm sewers. Where the development of a property results in the overloading of existing township storm water facilities the developer shall be responsible for replacing the facilities in accordance with Article IV.
- E. Abutting Properties
1. In the design of storm drainage facilities, special consideration must be given to preventing excess run off onto adjacent properties. In no case may a change be made in the existing topography which would:
    - a. Result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided.
    - b. Result in a slope which exceeds a stable slope for the material involved.
  2. All slopes must be protected against erosion in accordance with the "Erosion and Sedimentation Control Handbook of Cumberland, Dauphin and Perry Counties."
- F. Drainage upon and On Streets
1. Upon Streets
    - a. In order to give proper surface water drainage upon streets, a building on a lot must be at a grade of satisfactory relationship:
      1. With established street grade, or
      2. With the proposed street grade where none is established.
    - b. A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall be 1/4 of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept run off. Shoulders shall have a slope of not less than 1/2 of an inch -per foot.

## G. Drainage Structures

1. Drainage structures shall be designed in accordance with the Penn Township Storm Water Management Procedures and Criteria Manual.
2. Culverts beneath paved cartway shall be constructed of Reinforced Cement Concrete Pipe, or another pipe material as approved in writing by the Penn Township Board of Supervisors.

### Section 509 - Standards for Curbs and Gutters

A. Construction of curbs and gutters within the Township shall conform to the following requirements:

1. The developer shall install curbs and gutters whenever a proposed subdivision or land development shall have an average of six (6) or more lots or dwelling units per net acre included in the project, or where any project is within one thousand (1,000') feet of any existing or recorded subdivision of land development located along the same side of a connecting street and having curbs, curbs shall be installed on lot frontages of the street. In areas where curbing is not required, suitable gutters shall be designed and installed subject to Township approval to control erosion. If curbs are to be installed, the pavement shall extend from curb to curb and shall not be less than thirty two (32') feet wide. When the Storm Water Management Plan adequately controls surface water without provisions for curbs is evident other than the density factor, the curbing requirement may be waived by the Township.
2. Construction of curbs and gutters shall be constructed according to the standards set forth in the most recent edition or revisions to PENNDOT Specification, Form 408. The type of curbs or gutters shall be determined by the Penn Township Municipal Engineer.

### Section 510 - Standards for Sidewalks

All construction of sidewalks within the Township shall conform to all of the following requirements:

1. The developer shall install sidewalks, curbs and gutters whenever a proposed subdivision or land development shall have an average of six (6) or more lots or dwelling units per net acre included in the project, or where any project is within one thousand (1000') feet of an existing or recorded subdivision or land development located along the same side of a connecting street and having curbs. Curbs shall be installed on lot frontages of the street. In areas where curbing is not required, suitable gutters shall be designed and installed subject to Township approval to control erosion. If curbs are to be installed, the pavement shall extend from curb to curb and shall not be less than thirty two (32') feet wide. When the Storm Water Management Plan adequately controls surface water without provisions for curbs is evident other than the density factor, the curbing requirement may be waived by the Township.
  - a. Sidewalks, if to be located within the right-of-way of the street, shall extend in width from curb to the right-of-way, not to exceed (6') feet in width.

- b. If sidewalks are not to be located in the dedicated street right-of-way, suitable documentation shall be submitted setting forth the ongoing ownership and maintenance responsibility of the sidewalks as well as the appropriate easements.
  - c. Sidewalks must be at least four (4') feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five (5') feet wide and located within the street right-of-way.
2. Sidewalks if located within the dedicated street right-of-way shall be constructed of cement concrete in accordance with PENNDOT Form 408, as revised to date.
  3. Sidewalk and Curbs located within the dedicated street right-of-way shall provide curb cuts to be constructed in accordance with the latest standards of the "ADA", American Disabilities Act.

#### Section 511 - Street Name Signs

The subdivision or land development shall be provided with street name signs at all intersections. Such signs shall conform to Township specifications and shall be installed by the subdivider or developer at his expense in a manner specified by the Penn Township Engineer. Street names shall be subject to approval by the Penn Township Board of Supervisors and the postal authorities.

#### Section 512 - Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material may be added for privacy, shade, beauty of buildings and grounds.

1. Within any land development or subdivision consisting of over ten (10) lots, it is encouraged that street trees be planted along all streets where suitable street trees do not exist.
2. Street trees may be planted at intervals of not more than forty five (45) feet, or an equivalent number shall be planted in an informal arrangement.
3. Street trees shall not be planted opposite each other but shall alternate.
4. At intersections, trees shall be located no closer than seventy five (75) feet from the intersection of the street right-of-way lines.
5. Trees shall not be planted within any street right-of-way.

#### Section 513 - As Built Plans

- A. The subdivider or developer will furnish Penn Township with as built plans for streets, water systems, sanitary sewer systems and storm sewer systems within the subdivision or land development.
- B. Plans shall be submitted to the township office within six (6) months

after completion of the improvements and shall be certified and marked "as built" by the project Surveyor or Engineer. If the "as built" plans are not submitted within the six (6) month period, the Board of Supervisors may direct the Township Engineer to prepare the plans and bill the Developer for all associated costs.

## ARTICLE VI

### MOBILEHOME PARK REGULATIONS

#### Section 601 - Procedure

No person, firm or corporation shall construct, maintain or operate a mobilehome park within the Township without obtaining a mobilehome park permit from both Penn Township and the Department of Environmental Protection. The procedures for reviewing mobilehome park plans shall be the same as for subdivision and land development plans in accordance with this provision of this Ordinance. Unless specified in this article, the design standards and improvement requirements for mobilehome parks shall be the same as for subdivision and land development projects in accordance with the provisions of this Ordinance.

#### Section 602 - Plan Requirements

Prior to the issuance of a mobilehome park permit, plans shall be submitted to and approved by the Township in accordance with the requirements and procedures of this Ordinance regarding pre-application consultation, preliminary plans and final record plans. In addition to the site plan information required elsewhere in this Ordinance, the following information shall be provided on the plans:

1. The location and use of proposed building or structural improvements.
2. The location and design of all uses not requiring structures such as recreation areas and landscaping.

#### Section 603 - Mobilehome Park Permit

##### A. License and Permit

It shall be unlawful for any person to construct, alter, extend, or operate any park unless he has been issued a valid annual license by the Department of Environmental Protection for proposed construction, alteration, extension, or operation; and unless he has been issued a permit by the Township hereunder; and unless he complies with provisions of the Ordinance and Regulations.

##### B. Application to the Department of Environmental Protection

Application for a license shall be made by the owner of the park or his authorized representative in accordance with Rules and Regulations of the Department of Environmental Protection and other agencies as required by the Laws of the Commonwealth of Pennsylvania. A copy of said Department application or license shall be attached to the Township permit application.

##### C. Application to Township

Owner shall also make application to the Township on the form furnished by said official for permit to operate a park in the Township, designating the person within the Township upon whom service of notices and proceedings hereunder can be served.

##### D. Inspection and Issuance of Permit

Upon receipt of such application the Township shall inspect applicant's proposed park to determine compliance with the provisions of this Ordinance and shall report thereon to the Board of Supervisors. Upon approval and upon being furnished a copy of license issued by Department to applicant. The Board of Supervisors shall issue a Park Permit to applicant which shall be valid for period of one (1) year thereafter. Upon determination that application does not comply with this Ordinance, the Board of Supervisors shall give notice with conditions required to be met prior to reconsideration of the application.

E. Renewal Permits

Renewal permits for like period shall be issued by the Township upon application and Compliance with Ordinance and State requirements.

F. Applicability to Existing Parks

1. Parks in existence upon effective date of this Ordinance will be required to meet standards of the Department of Environmental Protection and maintenance and operating standards of this Ordinance as a prerequisite to issuance of a permit or a renewal permit.
2. Park operation and maintenance and expansion of existing parks shall comply with this Ordinance.
3. Parks in existence, in operation, or approved under prior ordinance, at time of enactment of this Ordinance, whether or not issued a permit, shall within one hundred and twenty (120) days after the effective date of this Ordinance make application for permit hereunder and shall comply with provisions of this Ordinance applicable to parks in existence prior to enactment.

G. Revocation Permit

Whenever, upon inspection of any mobilehome park, it is determined that conditions or practices exist which are in violation of any provision of this ordinance, or any regulation adopted pursuant thereto, the Board of Supervisors, or their representative shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated paragraphs of this Ordinance and shall advise them that unless such conditions or practices are corrected within period of time specified in the notice, the permit to operate will be suspended. At end of such period, such mobilehome park shall be reinserted and, if such conditions or practices have not been corrected, the Board of Supervisors shall give notice in writing of a hearing for the suspension of the mobilehome permit to the person to whom the permit is issued.

Section 604 - Transfer

Every person holding a permit shall file notice in writing to Permit Officer within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any park. If the license is transferred by the Department of Environmental Protection, proof of such transfer shall be furnished to the Township.

Section 605 - Lot Requirements

- A. On land laid out as a mobilehome park, not served by public or

mobilehome park water system and public or park sewerage collection and treatment system, but meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall not be less than 125 feet wide measured at the minimum required setback line nor less than forty three thousand five hundred sixty (43,560) square feet in area per mobilehome units, exclusive of streets and other public uses.

- B. On land laid out as a mobilehome park, served by public or mobilehome park water system and not by public or park sewerage collection and treatment system, but meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall be not less than 75 feet wide measured at the minimum required setback line nor less than twenty two thousand five hundred (22,500) square feet in area, per mobilehome unit, exclusive of streets and other public uses.
- C. On land laid out as a mobilehome park, served by both public or mobilehome park water system and public or mobilehome park sewerage collection and treatment system, all of which shall be acceptable to the Department of Environmental Protection and the Penn Township Supervisors the lots shall be not less than fifty (50) feet wide measured at the minimum required setback line nor less than five thousand (5,000) square feet in area, per mobilehome unit exclusive of streets and other public areas. Innovation lot arrangements, such as homes clustered around a parking court or open space areas, may be considered for approval provided the density of the cluster does not exceed one (1) unit per 5,000 square feet.

#### Section 606 - Yard and Set back Requirements

- A. All mobilehomes shall be located at least thirty five feet (35') from any street right-of-way which abuts a mobilehome park boundary and at least twenty five feet (25') from any other boundary of the park.
- B. There shall be a minimum distance of twenty five feet (25') between an individual mobilehome and adjoining pavement of a park street or common parking area or other common areas.
- C. All mobilehomes and patios on a mobilehome lot shall not be located closer than ten feet (10') to an interior lot line.

#### Section 607 - Park Street System

##### A. Park Street System

Each mobilehome park shall be provided with at least two points of ingress and egress and a distance of at least one hundred and fifty feet (150') shall be maintained between centerline of access streets.

##### B. Lot Access

All mobilehome parks shall be provided with safe and convenient paved access streets to and from each and every mobilehome lot. Alignment and gradient shall be properly adapted to topography.

##### C. Streets

All streets within any mobilehome park shall have a minimum right-of-way width of fifty (50) feet, and a minimum pavement width of thirty

(30) feet, except that one way streets shall have a minimum pavement width of twenty (20) feet. In all other respects the streets shall be designed and paved in accordance with Township specifications and shall be kept in good repair.

#### Section 608 - Required Off Street Parking

- A. Off Street parking areas shall be provided in all mobilehome parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobilehome lot. Each space shall be a minimum of 20' x 10'
- B. Each off street parking spaces shall contain at least two hundred (200) square feet and shall not exceed a distance of three hundred (300) feet from the mobilehome lot that it is intended to serve.

#### Section 609 - Utility Improvements

##### A. Sewage Disposal System

- 1. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobilehomes, service buildings and other accessory facilities. Such systems shall be designed, constructed and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection and the Penn Township Authority.
- 2. Individual Sewer Connections
  - a. Each mobilehome stand shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobilehome drain outlet will approximate a vertical position.
  - b. The sewer service connection (from the mobilehome to the collector line) shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be watertight.
  - c. All materials used for sewer connection shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
  - d. Provision shall be made for plugging the sewer riser pipe when a mobilehome does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

##### 3. Sewer Lines

Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least ten (10) feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and Penn Township Authority and shall have watertight joints.

##### 4. Sewer Treatment and/or Discharge

Where the sewer lines of the mobilehome park are not connected to public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection.

## B. Water Supply Distribution

### 1. Source of Supply

- a. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobilehome.
- b. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- c. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level not 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 grounds.
- d. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

### 2. Water Distribution System

- a. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
- b. 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.
- c. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions, at service building and other locations requiring potable water supply.
- d. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon; by the owner and the Penn Township Board of Supervisors.

### 3. Individual Water Riser Pipes and Connections.

- a. Individual water riser pipes shall be located within the confined area of the mobilehome and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
- b. The water riser pipe shall have a minimum inside diameter of 3/4 inches and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobilehome does not occupy the lot and shall be of freeze proof type.

- c. Adequate provisions shall be made to prevent freezing of the service lines, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d. A shut off valve below the frost line shall be provided near the water riser pipe on each mobilehome lot. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

#### 4. Fire Protection

- a. Where fire hydrants are not provided, fire extinguisher of any type approved by the Fire Underwriter Laboratories (A B C) classification type bearing the Underwriter's label shall be readily accessible to each mobilehome, and each mobilehome shall be equipped with a fire extinguisher. Portable fire extinguisher of a type approved by the fire prevention authorities shall be maintained in all public service buildings under park control.
- b. Burning of refuse shall not be permitted.

#### C. Electrical Distribution System

- 1. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

##### a. Power Distribution Lines

- 1. Power lines shall be located underground.
- 2. All direct burial conductors or cable shall be buried at least eighteen (18) 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.

##### b. Required Grounding

All exposed non current carrying metal parts of mobilehomes 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 mobilehomes or other equipment.

##### c. Required Meter

Only one (1) mobilehome shall be connected to each electrical meter.

#### D. Natural Gas Systems

Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

#### E. Liquefied Petroleum Gas System

1. Liquefied petroleum gas systems provided for mobilehomes, service.
  - 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 (1) accessible means for shutting off gas. Such means shall be located outside the mobilehome and shall be maintained in effective operating condition.
  - c. All LPG piping outside of the mobilehomes 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 mobilehomes.
  - d. Any vessel containing liquefied petroleum gas 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, mobilehome or any other structure unless, such installations are specifically approved by the Township.

#### F. Fuel Oil Supply Systems

1. All fuel oil supply systems provided for mobilehomes, service buildings and other structures shall be installed and maintained in conformity with the following regulations.
  - a. All piping from outside fuel storage tanks or cylinders to mobilehomes shall be securely but not permanently, fastened in place.
  - b. All fuel oil supply systems provided for mobilehome, service buildings and other structures shall have shut off valves located within five inches (5") of storage tanks.
  - c. All fuel storage tanks or cylinders shall be securely placed and shall not be less than ten feet (10') from any mobilehome exit.
  - d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

#### Section 610 - Open Space Requirements

All mobilehomes parks shall provide, and so indicate on the plan of the mobilehome park, suitable areas for recreation and open space uses by using the standard of ten (10) percent of the total area of the mobilehome park of which one half (1/2) of the area shall be in one place. The remainder may be used to provide pedestrian connecting links to the recreation areas.

1. The recreation and open space shall be located as centrally as possible within the mobilehome park in order to be easily accessible to the residents of the mobilehome park.
2. The open space shall be landscaped with a water absorbent surface

except for recreational facilities and walkways utilizing hard surface.

3. The open space must be maintained by the mobilehome park operator.

#### Section 611 - Buffer Strips

- A. In a mobilehome park, a suitable screened or landscaped buffer strip at least twenty (20) feet in width approved by the Board of Supervisors shall be provided by the developer along all the park property lines in order to produce an effective visual barrier between the park and adjacent land uses.
- B. The landscape screening shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet, with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an interval height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- C. An alternative visual barrier shall be six (6) foot high opaque fence of wall with plantings of trees, shrubs, and/or vines along the surfaces of the barrier facing any residential or commercial district or public right-of-way.
- D. An alternative visual barrier shall be auditable landscaped earth mound a minimum of six (6) feet high and thirty (30) feet wide. Consideration may be given to existing trees and shrubs in meeting the requirements of this Section.

#### Section 612 - Walkways

##### A. General Requirements

All parks shall be provided with safe, convenient, all season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobilehome lots, the park streets and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.

##### B. 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 width of four feet (4').

##### C. Individual Walks

All mobilehome lots shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet (2').

#### Section 613 - Other Site Improvement

- A. An enclosure of compatible design and material shall be erected around the entire base of each mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- B. Tie downs to prevent the movement of the mobilehome by natural causes shall be provided for each mobilehome.
- C. Each mobilehome lot shall be provided with a four (4) inch concrete slab on a stable surface at least 10 feet by 18 feet in size for use as a terrace and located so as to be adjoining and parallel to the mobilehome and not extend into the front, side, or rear yard.
- D. Individual tenants at the Mobilehome Park may construct attached enclosures or covered patios to individual mobilehomes, provided that such enclosure does not encroach into the front, side or rear yard areas. A yard area is that area between a lot line or right-of-way line and the adjacent setback line.
- E. Provision shall be made by the Park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the Mobilehome Park shall be subject to the approval by the State Department of Environmental Protection and the Penn Township Board of Supervisors.

Section 614 - Park Areas for Non Residential Uses

- A. No part of any mobilehome park shall be used for a nonresidential purpose, 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.
- B. Nothing contained in this section shall be deemed as prohibiting the sale of a mobilehome located on an individual lot and connected to the pertinent utilities.

Section 615 - Service Building And Other community Service Facilities In Mobilehome Parks

Structural Requirements for Building

- 1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- 2. All structures containing laundry and/or toilet facilities shall:
  - a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non absorbent, waterproof material or covered with moisture resistant material.
  - b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than five (5) percent of the floor area served by them.

- c. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- d. Have toilets located, each in a special compartment with a self closing door.

Section 616 - Refuse Disposal

- A. The storage, collection and disposal of refuse in the mobilehome park shall be so managed as to create no health hazards or air pollution.
- B. All refuse shall be stored in fly tight, water tight, rodent proof containers, which shall be located not more than three hundred (300') feet away from any mobilehome space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

Section 617 - Fees

At the time of filing the Preliminary Plat and Final Plat for the development of a tract of land for a Mobilehome Park, the applicant shall be required to pay to the Township fees in accordance with the requirements of Article VIII of this Ordinance and secure a permit.

Section 618 - Revocation of Permit

- A. Whenever upon inspection of any mobilehome park, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or any regulations adopted pursuant thereto the Township Supervisors or their representative shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated paragraphs of this Ordinance and shall advise them that unless such conditions or practices are corrected within thirty (30) days from the date of the notice, the permit to operate will be suspended. At the end of such period, such mobilehome park shall be reinspected and, if such conditions or practices have not been corrected, the Township Supervisors shall give notice in writing of a hearing for the suspension of the mobilehome permit to the person to whom the permit is issued.
- B. If the mobilehome park permit is permanently suspended, all mobilehomes shall be removed within a maximum of one hundred eighty (180) calendar days from the date of the hearing before the Penn Township Board of Supervisors.

Section 619 - Alteration of Requirements

The application for any alteration of requirements shall be in accordance with the requirements of Article IX of this Ordinance.

Section 620 - Enforcement, Penalties, Severability and Amendments

The enforcement, penalties, severability and amendments shall be in accordance with the rules and regulations of Article X of this Ordinance.

## ARTICLE VII

### RECREATIONAL AREAS

(Recreational Vehicle Parks or Campgrounds)

#### Section 701 - Plat Requirements And Processing Procedure

The plat requirements and processing procedure for land development as a campground shall be in accordance with the requirements contained in Article III of this Ordinance. It is noted that the requirements of Department of Environmental Protection Chapter 191, Title 25 Rules and Regulations must be fulfilled by the developer prior to the start of construction.

#### Section 702 - Design Standards

The arrangement and other design standards of streets, easements, blocks, lots, recreation areas and erosion and sedimentation control shall be in accordance with the requirements contained in Article IV of this Ordinance except as specified below:

##### 1. Street Widths in Campgrounds

a. Design and Construction standards for public streets shall be as contained in Article IV and V of this Ordinance.

b. Private Streets and Roads - Each camping Site shall front upon an approved street or road:

1. Streets and roads shall be all weather constructed. Road oil, calcium or other suitable material shall be applied in an amount and frequency as necessary to control dust.
2. One way streets and roads with camping site parking shall have an improved surface of no less than twelve (12) feet.
3. Two way streets and roads with camping site parking shall have an improved surface of no less than twenty (20) feet.
4. Streets and roads shall be graded to provide positive drainage from the road surface. Drains and culverts shall be provided as necessary to maintain proper drainage.
5. Streets and roads shall have maximum grade of ten percent (10%) except for sections of no more than four hundred (400) feet in length which may exceed ten percent (10%), but in no case shall exceed twelve percent (12%).

##### 2. Lots in Recreational Vehicle Parks and/or Campgrounds:

a. Tent Campsites

1. The lot size shall be a minimum of eight hundred (800) square feet with a minimum of twenty 20 feet at the set back line and a density not exceeding twenty five campsites per acre. Each site shall have a clear, level, well drained pad for accommodating a tent and picnic table.

b. Recreational Vehicle Campsites

The lot size shall be a minimum of one thousand four hundred (1,400) square feet a minimum of thirty (30) feet wide at the set back line and a density not exceeding twenty (20) campsites per acre. Each site shall have a clear level, well drained pad for accommodating a vehicle site and picnic table.

c. Site Parking

Parking shall be provided on each camping site. Camping site parking shall provide a clean, level, well drained area of no less than eight (8) feet by twenty (20) feet dimensions for each vehicle and a minimum of two (2) spaces per site.

3. Building Setback Lines

a. Tent Campsites

1. From main road 35' from edge of road
2. From service road 10' from edge of road
3. A minimum of 10 feet from tent to tent

b. Recreational Vehicle

1. From main road 35" from center line
2. From service road 20" from center line
3. A minimum of 20 feet from vehicle to vehicle

Section 703 - Utility Improvements

A. Sewage Disposal System

1. An adequate and safe sewerage system shall be provided in parks for conveying and disposing of sewage from shower rooms, service buildings and other accessory facilities. Such systems shall be designed, constructed and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection and the Penn Township Authority.

2. Sewer Connections

- a. Each stand connection shall be provided with at least a four (4) inch diameter sewer riser pipe and screw connector.
- b. All materials used for sewer connection shall be semi rigid, corrosive resistant, non absorbent and durable. The inner surface shall be smooth.

3. Sewer Lines

Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least ten (10) feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and Penn Township Authority and shall have watertight joints.

#### 4. Sewer Treatment and/or Discharge

Where the sewer lines of the park are not connected to public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection.

### B. Water Supply Distribution

#### 1. Source of Supply

- a. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobilehome.
- b. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- c. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level not 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.
- d. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

#### 2. Water Distribution System

- a. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
- b. 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.
- c. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions, at service building and other locations requiring potable water supply.
- d. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the owner and the Penn Township Board of Supervisors.

#### 3. Individual Water - Riser Pipes and Connections (where applicable)

- a. Individual water riser pipes shall be located within the confined area of the mobilehome and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
- b. The water riser pipe shall have a minimum inside diameter of  $\frac{3}{4}$  inches and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobilehome does not occupy the lot.

- c. Adequate provisions shall be made to prevent freezing of the service lines, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d. A shut off valve below the frost line shall be provided near the water riser pipe on each mobilehome lot. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

#### 4. Fire Protection

- a. Where fire hydrants are not provided, fire extinguisher of any type approved by the Fire Underwriter Laboratories (A B C) classification type bearing the Underwriter's label, shall be readily accessible, portable fire extinguisher of a type approved by the fire prevention authorities shall be maintained in all public service buildings under park control.
- b. Burning of refuse shall not be permitted.

#### C. Electrical Distribution System

- 1. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.
  - a. Power Distribution Lines
    - 1. Power lines shall be located underground.
    - 2. All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communications lines.
  - b. Required Grounding: All exposed non current carrying metal parts of mobilehomes 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 mobilehomes or other equipment.

#### D. Natural Gas Systems (if applicable)

- a. Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

#### E. Liquefied Petroleum Gas System (if applicable)

- a. Liquefied petroleum gas systems provided for service buildings or other structures shall include the following:
  - 1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobilehome and shall be maintained in effective operating condition.
3. All LPG piping outside of the mobilehomes 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 mobilehomes.
4. Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobilehome or any other structure unless such installations are specifically approved by the Township.

F. Fuel Oil Supply Systems (if applicable)

- a. All fuel oil supply systems provided for service buildings and other structures shall be installed and maintained in conformity with the following regulations.
  1. All piping from outside fuel storage tanks or cylinders to mobilehomes shall be securely but not permanently, fastened in place.
  2. All fuel oil supply systems provided for mobilehomes, service buildings and other structures shall have shut off valves located within five inches (5") of storage tanks.
  3. All fuel storage tanks or cylinders shall be securely placed and shall not be less than ten feet (10') from any mobilehome exit.
  4. Storage tanks located in areas subject to traffic shall be protected against physical damage.

Section 704 - Recreation Areas In Parks and Campgrounds

- A. In all parks, there shall be one or more recreation area which shall be accessible to all park residents.
- B. The size of such recreation areas shall be based upon a minimum of five hundred (500) square feet for each lot. No outdoor recreation area shall contain less than twenty thousand (20,000) square feet.
- C. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
- D. Park areas for recreational uses separated from site parking.
  - a. In a campground no part of the park shall be used for a non-residential purpose, except such uses that are specifically required for the direct servicing and well being of park residents and for management and maintenance of the park.

Section 705 - Improvement and Construction Requirements

In a campground park all improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with Article V of this Ordinance and shall also provide the following additional improvements.

1. Buffer Strips

- a. In a campground a suitably screened or landscaped buffer strip at least twenty (20) feet wide, approved by the Board of Supervisors shall be provided by the developer along all the property lines separating the campground from adjacent properties.
- b. The landscape screening shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet, with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an interval height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- c. An alternative visual barrier shall be six (6) foot high opaque fence or wall with planting of trees, shrubs, and/or vines along the surfaces of the barrier facing any residential or commercial district or public right of way.
- d. An alternative visual barrier shall be a suitably landscaped earth mound a minimum of six (6) feet high and thirty (30) feet wide.
- e. Consideration may be given to existing trees and shrubs in meeting the requirements of this Section.

2. Signs and Lighting

- a. Signs may be permitted subject to the approval of the Board of Supervisors.
- b. All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

3. Application for the annual renewal of a license shall be made by the holder of the license, to the Township Code Enforcement officer on a form provided by him, within fourteen days preceding expiration of the preceding license period, shall be accompanied by a fee as required, and by any changes since the preceding license was issued. The Township Code Enforcement officer shall inspect each campground prior to the issuance of a license for conformance with the provisions this Ordinance and all of the applicable legal requirements.

4. Each campground shall have an office in which shall be kept copies of all records pertaining to the management and supervision of the campground. Such records shall be available for inspection by the authorized officers of the Township and be on display in a conspicuous place on the premises at all times.

5. Register: It shall be the duty of the owner or his agent to keep a register of the "head of the family" accommodated in the campers or tents, their regular home address and the number and description of their automobiles or other vehicles. Said register shall be open at all times to the inspection by any authorized official of the Penn Township Board of Supervisors. The owner or his agent shall prescribe rules and regulations for the management at the campground and make adequate provision for the enforcement of such rules.
  
6. Whenever, upon inspection of any campground, it is determined that conditions or practices exist which are in violation of any provision of this ordinance, or any regulation adopted pursuant thereto, the Township Supervisors or their representative shall give notice to consist of a listing of the violated paragraphs of this Ordinance and shall advise them that unless such conditions or practices are corrected within the period of time specified in the notice, the permit to operate will be suspended. At the end of such period, such campground shall be reinspected and, if such conditions or practices have not been corrected, the Township Supervisors shall give notice in writing of a hearing for the suspension of the campground permit to the person to whom the permit is issued.

## **ARTICLE VIII**

### **FEE/ADMINISTRATION**

#### Section 801 - Resolution

- A. The Board of Supervisors shall, by resolution, establish a fee schedule for the review and processing of plans and inspection of improvements. Review fees shall include reasonable and necessary charges by the Municipality's Engineer or Professional Consultants for review and report thereon to the Municipality. The resolution setting forth such fees, shall set forth fees in accordance with the ordinary and customary charges by the Municipal Engineer and/or Professional Consultant for similar services in the community, but in no event shall the fees established by said resolution exceed a rate or cost charged by the Engineer or Professional Consultant to the Municipalities when fees are not reimbursed or otherwise imposed upon Applicants.
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 Municipality that such fees are disputed in which case the Municipality shall not delay or disapprove a subdivision or land development Application due to the Applicant's request over disputed fees.
  2. In the event that the Municipality and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, the Applicant and the Municipality shall follow the procedure for dispute of resolution as set forth in Article 5, Section 503 (G) of this Ordinance.
- B. Fees for all other permits required for and by the Township shall be established by resolution.
- C. Said schedule of fees shall be filed in the office of the Penn Township Supervisors.

#### Section 802 - Engineering And Legal

- A. Engineering fees required to be paid by this Article shall be promptly paid to the Township by the applicant for the below listed services:
1. Reviewing the Plat and Plan for engineering details.
  2. Reviewing cost estimates of required improvements as submitted by the developer.
  3. Final inspection improvements, on completion of installation of the required improvements.
  4. Such other technical or legal services as deemed necessary or required by the Township.
- B. The engineering fees required to be paid by this Article shall be promptly paid to the Township by the applicant upon the submission of bills to the applicant from time to time, as such fees are billed to the Township by its Municipal Engineer.
- C. All fees shall be paid to the Township prior to approval of the Final Plan and/or Plat.

#### Section 803 - Approved Final Plan Deposit

Upon approval of final plans, a deposit in the amount of fifty (50) dollars shall be made to Penn Township. Within fifteen (15) days of recording the final plan, the Developer will return two (2) copies of

the recorded plan to the Township Office, and said deposit shall be returned to the Applicant. When copies of recorded plans are not provided within the stated time period, said deposit shall be forfeited by the Developer and used to offset the costs of obtaining such copies.

Section 804 - Recording of Plats and Deeds

- A. Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the recorder of deeds of the county in which the municipality is located. Whenever such plat approval is required by a municipality, the recorder of deeds of the county shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the county planning agency, if one exists.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

Section 805 - Effect of Plat Approval on Official Map

After a plat has been approved and recorded as provided in this article, all streets and public grounds on such plat shall be, and become a part of the official map of the municipality without public hearing.

Section 806 - Preventive Remedies

- A. In addition to other remedies, Penn 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. Penn 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 any ordinance adopted pursuant to this article. 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. 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 municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 807 - Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or 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 municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth 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 diem 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 municipality the right to commence any action for enforcement pursuant to this section.

## **ARTICLE IX**

### **ALTERATION OF REQUIREMENTS**

#### Section 901 - Special Conditions

Where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unreasonable hardship, the Penn Township Board of Supervisors after review by the Planning Commission, may make such reasonable alterations thereto as will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

#### Section 902 - Application For Alteration

Applications for any alteration of requirements shall be submitted to the Planning Commission in writing by the applicant at the time the Application for Development is filed with the Planning Commission. The application shall state fully the grounds and all facts relied upon by the applicant.

#### Section 903 - Alteration Action by Planning Commission

Applications for any alteration shall be reviewed by the Planning Commission. After review, the Planning Commission shall submit its recommendations to the Board of Supervisors in writing along with the reasons for such recommendation.

#### Section 904 - Alteration Action By The Board of Supervisors

- A. In altering any requirements, the Board of Supervisors shall record its action and the grounds for the alteration of requirements to the applicant applying for the alteration.
- B. Whenever a request for the alteration of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for such denial of any alteration to the applicant applying for the alteration.

## ARTICLE X

### ENFORCEMENT, PENALTIES, SEVERABILITY AMENDMENT AND ENACTMENT

#### Section 1001 Administration And Enforcement

- A. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.

Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use of development of land shall have the duties and authorities for the controlling of enforcement of the provisions of this Ordinance, as specific 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 approved and publicly recorded in accordance with the provisions of this Ordinance regulating the subdivision of land.

Also, 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 as indicated by the approved and recorded Final Plat or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.

If the building permit is issued erroneously or prior to proper approval, it is void.

- C. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, and The Rules and Regulations of the Department of Environmental Resources and any requirements of the Township pertaining to the issuance of such permits.

#### Section 1002 - Amendments

Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice as defined herein and in accordance with the "Pennsylvania Municipalities Planning Code" of 1968, Act 247, as amended Act 93, 1972, Article V1 Section 505.

#### Section 1003 - Penalties

- A. Any person, partnership, or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a

Municipality, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or 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 Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth 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 diem 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 Municipality the right to commence any action for enforcement pursuant to this section.

#### Section 1004 Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights accrued, or liability incurred, or any cause or causes of action accrued any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### Section 1005 Severability

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this Ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which established 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 this Ordinance is found to be in conflict with the provisions of another ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania which established a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to

be repealed to the extent that they may be found in conflict with this Ordinance.

Section 1006 - Enactment

ENACTED, ORDAINED, AND ADOPTED this 28<sup>th</sup> day of June 2006, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors of the Township of Penn

Henry A. Holman, Jr.

Charles Stoner

Robert E. Shaffer, Sr.

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board on June 28, 2006.....

Helen Klinepeter  
Secretary

**PRIVATE RIGHT-OF-WAY MAINTENANCE AGREEMENT**

An Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_, 2006, between *DEVELOPERS NAME* with an address at \_\_\_\_\_, PA. (hereinafter called "Developer") and Township of Penn, Perry County, Pennsylvania, a Township organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter called Township).

**Whereas**, Developer is the owner of a certain tract of real estate situate in Penn Township, Perry County, Pennsylvania, having acquired title thereto by Deed dated \_\_\_\_\_ and recorded on \_\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_, Instrument Number \_\_\_\_\_ in the Office of the Recorder of Deeds in and for Perry County, Pennsylvania (hereinafter the "Premise") which Premises are described on this plan; and

**Whereas**, the Developer has made application to the Township for approval of a subdivision plan under the terms of the Township's Subdivision and Land Development Ordinance, No. 103, September 1992; said subdivision plan having been prepared on \_\_\_\_\_, by \_\_\_\_\_ and subdivision plan to be known as \_\_\_\_\_ (hereinafter called "The Plan"); and

**Whereas**, the parties desire to set forth a respective rights and obligations of all concerned in regard to the use and maintenance of said private right-of-way; and

**Now, Therefore**, in consideration of the approval of The Plan by the Township and as a condition thereto, the Developer agrees as follows;

1. The Developer shall construct the private roadway shown as \_\_\_\_\_ on The Plan. Thereafter, the Developer shall have no responsibilities for either additional contractions and/or maintenance except to the extent that it is an owner of any of the lots numbered \_\_\_\_\_ shown on The Plan. Once \_\_\_\_\_ is construction by the Developer, any use, further construction and maintenance shall be the responsibility of the owners of said lots \_\_\_\_\_ in accordance with Exhibit "A" hereto. The Developer agrees that each Deed from the Developer to a Grantee of said lots \_\_\_\_\_ shall contain the language in Exhibit "A". The Developer also agrees to put language in each Deed concerning the necessary Stormwater Easements.

2. Township shall have no liability regarding this road and shall not be responsible for maintenance and repair thereof. Township shall not be obligated to repair or maintain the road, nor accept dedication of the road unless and until the road meets township specifications for a minor street.

3. Prior to issuance of a building permit by the Penn Township Board of Supervisors, the applicant shall submit a copy of this "Private Right-of-Way Agreement", with paragraphs 1 through 6 of Exhibit "A" initialed to show their knowledge and acceptance of the requirements of this private right-of-way.

## EXHIBIT "A"

1. The Premises described herein are located on a private road, \_\_\_\_\_, as shown of said plan. The road is to service and benefit the owners of lot numbers \_\_\_\_\_ on said Plan. The Grantee herein, and his or her invitees, shall have the right to use said road for ingress and egress to and from the Premises described herein for all purposes for which roads may be used in the Township of Penn, Perry County, Pennsylvania.

2. The Grantee herein shall indemnify and hold harmless the Township of Penn and its successors from any claims, demands or liabilities arising from the maintenance and repair or use of the road by persons authorized to use the road.

3. The Owners of lots \_\_\_\_\_ on said plan shall maintain perpetually the private roadway, \_\_\_\_\_ as shown on the said plan. The cost of repair, upkeep, clearing ice, snow and removal, and maintenance of \_\_\_\_\_ and its related drainage **and stormwater maintenance** facilities shall be divided equally among the owners of lots \_\_\_\_\_ on said plan. Maintenance of the private road shall include, but not be limited to the following.

- a. Repair of any potholes
- b. Cutting of any grass shoulders.
- c. Repaving of the road when repair of potholes is not practical.
- d. Snow and ice removal along with the maintenance or related Stormwater management facilities.

4. Owners of lots \_\_\_\_\_ are obligated to effectively upkeep and repair of said road and related stormwater facilities. All other decisions with regard to maintenance etc. shall be made of majority vote which votes shall be allocated by each lot having one (1) vote.

5. When costs for maintenance, upkeep and repair of the road are authorized and incurred in accordance with paragraphs 3 and 4, above, it shall be the duty of each lot owner to pay his or her pro-rata share of such costs. If any lot owner fails or refuses to pay such costs when they are due, any other lot owner legally entitled to use the road as a result of his or her ownership thereon and therein, shall have a cause of action at law or in equity to collect the same and all legal costs and expenses shall be paid by the party against whom the action is brought for failure to adhere to his or her agreement in regard to the road.

6. Acceptance of the deed by the Grantee herein constitutes agreement to the terms hereof. The provisions hereof are to be perpetual, to run with the land and ot inure to the benefit of the Grantees herein, the other owners of lots on the road and their heirs, successors, and assigns.

7. Owners of lots \_\_\_\_\_ shall install and maintain a sign erected at the entrance of this private right-of-way, which states that municipal services will not be permitted beyond this point.

***Other plan specific items are to be placed after this paragraph.***

In witness whereof, the Developer and the Township have hereunto set their Hands and Seals,

Attest:

*DEVELOPER*

\_\_\_\_\_

\_\_\_\_\_

State of Pennsylvania  
County of Perry

On this, the \_\_\_\_\_ Day of \_\_\_\_\_, 2006, before me, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that \_\_\_\_\_ executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and seals.

\_\_\_\_\_  
(Notary)

Attest:

Board of Supervisors, Township of Penn

\_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Supervisor

State of Pennsylvania  
County of Perry

On this, the \_\_\_\_\_ Day of \_\_\_\_\_, 2006, before me, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that \_\_\_\_\_ executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and seals.

\_\_\_\_\_  
(Notary)