

Thompson Township

Subdivision and Land Development Ordinance

Enacted: _____

Revised: _____

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Thompson Township Subdivision and Land Development Ordinance

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Thompson Township

Fulton County, Pennsylvania

Subdivision and Land Development Ordinance

An Ordinance setting forth Rules, Regulations, and Standards regulating Subdivision and Land Development within the Township of Thompson, Fulton County, Pennsylvania, pursuant to the Authority granted in Article V of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted by Act 170 of 1988, and establishing the procedure to be followed by the Thompson Township Planning Commission and the Thompson Township Board of Supervisors in the application and administration of said Rules, Regulations, and Standards, and providing Penalties and Remedies for Violations thereof.

Be and it is hereby ordained and enacted by the Board of Supervisors of Thompson Township, Fulton County, Pennsylvania, as follows:

ARTICLE I

TITLE / AUTHORITY

Section 101 Short Title

This Ordinance shall be known as “The Thompson Township Subdivision and Land Development Ordinance.”

Section 102 Purpose

This Subdivision and Land Development Ordinance is adopted for the following purposes:

To promote and protect the public health, safety, morals, and welfare.

To ensure conformance of subdivision and land development plans with all local, county, state and regional planning and public improvements plans and to ensure co-ordination of intergovernmental improvement plans and programs.

To protect sensitive and important natural features (e.g. floodplains, wetlands, prime farmlands, unique geologic features, steep slopes, woodlands, gamelands, wildlife habitats, etc.) from indiscriminate development.

To coordinate proposed streets and other improvements with existing or other proposed streets, parks, or other features and to provide for drainage, water supply, sewage disposal, and other appropriate utility services.

To require sites for building purposes and human habitation to be suitably improved for their intended use and to minimize the peril from fire, flood, erosion, excessive noise, smoke, or other menace.

To encourage preservation of adequate open spaces for recreation, light, air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, agricultural, industrial, and public areas.

To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.

To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable.

To maintain the economic well being of the Township and to prevent unnecessary or undesirable blight, runoff, and pollution.

To secure the protection of water resources and drainage ways.

To establish provisions governing the standards by which streets shall be designed and improved, and by which walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities, and other improvements shall be installed as a condition precedent to final approval of plans.

Section 103 Authority and Jurisdiction

No land development or subdivision of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, or other improvements 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 abutting thereon, except in accordance with the provisions of this Ordinance.

The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

The Thompson Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.

Plans for subdivision and land development shall be submitted to the Thompson Township Planning Commission for their review. The Planning Commission will provide the Board of Supervisors with a recommendation for plan approval, disapproval, or conditional approval. Said submission shall take place before approval of any plans by the Township Supervisors, except that if a report is not received from the Thompson Township Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.

Plans for subdivision and/or development of land located within Thompson Township shall be submitted to the Fulton County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the Fulton County Planning Commission within forty-five (45) days after submission, the Board of Supervisors may proceed without the report.

Section 104 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any pre-existing ordinances or enactment, or with any rule, regulation, or permit adopted or issued thereunder, except that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a conflict exists between any other regulations contained within this Ordinance and those earlier ordinances, rules, regulations, or permits, that regulation which imposes the greater restriction shall apply.

ARTICLE II

INTERPRETATIONS and DEFINITIONS

Section 201 General Interpretations

In this Ordinance the following rules of interpretation shall be used:

- A. The word “lot” includes the word “plot” or “parcel”.
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word “person” includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The word “shall” is to be interpreted as mandatory; the word “may” as directory.
- G. References to any document, official, or entity (i.e., codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials) are references to Thompson Township documents, officials, or entities in effect at the time; unless the text indicates that another reference is intended.

Section 202 Definitions

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section:

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

Access Drive. A private drive providing pedestrian and vehicular access between a public or private street and a parking compound within a land development.

Accessory Dwelling. An additional dwelling unit placed upon any property as ECHO Housing or upon an agricultural property for immediate family members or as Temporary Farm Employee Housing. Accessory dwellings shall be processed in accordance with the Accessory Dwelling Guidelines as provided in the Appendix and the Modification provisions of §308.

ACT. The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 et seq.

Agent. Any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Planning Commission and Township Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

Agricultural Purposes. The use of land for the cultivation of soil, farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, housing and feeding the animals, and housing the equipment. Also land which has been diverted from agricultural use by an active federal farm program, provided the land has a conservation cover of grass, legumes, trees, or wildlife shrubs.

The use of land for a dwelling site is not an agricultural purpose.

Aisle. A travel lane within a parking compound providing pedestrian and vehicular access between an access drive and a parking space which is located within the parking compound.

Appendix. A document containing information, including, but not limited to, forms and fee schedules, related to this Ordinance.

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 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 plot or plan, or for the approval of a land development plan.

Basement. Any area of the building having its floor below ground level on all sides.

Block. An area bounded by streets.

Board of Supervisors or Board. The Thompson Township Board of Supervisors.

Building. Any enclosed or open structure having a roof or other covering, including pre-fabricated units, constructed or used for a residence, business, industry, place of assembly, or similar uses.

Building, Accessory. A detached subordinate building or structure, the use of which is customarily incidental to that of the principal building or use, and which is located on the same lot as occupied by the principal building or use.

Building Addition. An increase in floor area or attached expansion of an existing building or structure.

Building Area. The total area of the greatest outside dimensions on a horizontal plane of a building or structure.

Building, Principal. A building or structure in which is conducted, designed to be conducted, or intended to be conducted the primary use of the lot on which it is located.

Building Envelope. The building envelope is that area of the lot that has no building restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which cross yards), buffer yards, or floodplains.

Building Setback Line. A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.

Cartway. The portion of a street or alley intended for vehicular use.

Clear Sight Triangle. An area of unobstructed vision at the intersection of two (2) or more streets, access drives, driveways, or alleys or any combination of the foregoing. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets, access drives, driveways, or alleys. See also §602.10.

Codes Enforcement Officer. The person charged with the duty of enforcing the provisions of this Ordinance.

COE. United States Army Corps of Engineers.

Common Driveway. A private driveway utilized by two (2) or more separate lots or dwellings for access to a public or private street.

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

Community Sewage System. A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy. It shall comply with all applicable regulations of the Department of Environmental Protection or other relevant regulatory agencies.

Community Water Supply System. A water supply system, other than a public water system, providing water for more than two (2) units of occupancy. It shall comply with all applicable regulations of the Department of Environmental Protection or other relevant regulatory agencies.

Compensatory Mitigation. The required restoration, enhancement, or creation of wetlands to offset unavoidable wetland impacts from construction.

Comprehensive Plan. Any comprehensive plan, or parts thereof, which have been adopted by the Board of Supervisors, pursuant to the requirements of the Pennsylvania Municipalities Code, showing its recommendations for such systems as parks and recreation facilities, water supply, sewer and sewage disposal, transportation highways, civic centers, and other public improvements which affect the development of the Township.

Corner Lot. A lot abutting upon two (2) streets at their intersection.

County Planning Commission. The Fulton County Planning Commission.

Culvert. A structure with appurtenances which carries a watercourse under or through an embankment or fill.

Curb. The raised edge of a pavement confining surface water to the pavement and protecting the abutting land from vehicular traffic.

Dedication. The deliberate appropriation of land by its owner for general public use.

Deed. A legal document conveying ownership in real property.

Department of Environmental Protection (DEP). The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any agency successor thereto.

Department of Transportation (PennDOT). The Department of Transportation of the Commonwealth of Pennsylvania, or any agency successor thereto.

Design Speed. The design speed for streets designed in accordance with this Ordinance shall equal the proposed posted speed plus five (5) miles per hour.

Design Storm. The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. 10-year storm) and duration (e.g., 24-hour), and used in computing storm water management control systems.

Detention Basin. A vegetated basin designed to drain completely after storing runoff only for a given storm event and release it at a pre-determined rate. Also known as a dry pond.

Development Plan. The proposal 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 or development, streets, ways and parking facilities, common open space, and public facilities. The phrase “Provisions of the Development Plan” shall mean written and graphic materials referred to in this definition.

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

Double Frontage Lot. A lot, other than a corner lot, fronting on two (2) streets.

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

Drainage Facility. Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of carrying surface waters off of streets, public

rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway. A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy, a farm, or a land development; which shall comply in all respects with this Ordinance.

Driveway, Shared. A private drive providing access between a public or private street or access drive and parking areas for two units of occupancy. It shall comply in all respects with this Ordinance.

Dwelling Unit. A building, or portion thereof, arranged or designed for occupancy by not more than one (1) household and having its own cooking and/or sanitation facilities.

Easement. A limited right of use granted in private land for a public or quasi-public purpose.

Easement of Access. Any driveway or other entrance from a public or private road. A road providing access to agricultural fields and not providing access to any residential, commercial, or industrial structure is not considered an easement of access.

Echo Housing. An additional dwelling unit placed on a property for occupancy by an elderly, handicapped, disabled person or relative who is related by blood, marriage or adoption, to the occupants of the principal dwelling.

Energy Dissipater. A device used to slow the velocity of storm water at points of concentrated discharge associated with pipe outlets and similar structures.

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

Ephemeral Stream. A natural watercourse which lacks substrates associated with flowing waters and which flows only in direct response to precipitation in the immediate watershed, or in response to melting snowpack, and the channel of which is always above the local water table.

Erosion. The removal of earth material by the action of water, wind, ice, or other geological agents.

Financial Security. A letter of credit or other form of guarantee in accordance with the requirements of Article V of the Municipalities Planning Code as amended, and/or superseded by, posted by a developer to secure the completion of improvements indicated on an approved plan.

537 Plan. A Plan adopted by the Thompson Township Board of Supervisors, pursuant to the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.

Flood. A temporary inundation of normally dry areas of land.

Floodplain. The area of inundation, including the floodway and floodway fringe, which

functions as a conveyance, storage, or holding area for floodwater to a width required for a one hundred (100) year flood.

Flood proofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. That portion of the Floodplain required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point more than one (1) foot above the existing conditions.

Floodway Fringe. That portion of the Floodplain subject to inundation by the one hundred (100) year flood lying beyond the floodway in areas where a detailed study data and profiles are available.

Floor Area. The total enclosed area of a building or structure, excluding unimproved cellars or basements used only for storage, storage attics, open porches, garages used for vehicle storage, and similar uses.

Frontage. The horizontal or curvilinear distance along the street line upon which a lot abuts.

Future Right-of-Way. (1) The 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.

Grade. The percent change of elevation in feet per linear hundred linear feet.

Grassed Waterway. A 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).

Gutter. That portion of a right-of-way carrying surface drainage.

Hardship. A condition, not economic in nature and not caused by the applicant or developer, for which a modification may be requested.

Holding Pond. A retention pond or detention basin.

Homeowners' Association. An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq., and any other applicable federal, state, and/or local laws, statutes, regulations, and/or ordinances.

Impervious Surface. Any surface, such as roads, rooftops, patios, or parking lots, that does not allow water to soak into the ground. Impervious surfaces result in runoff from the surface in

greater quantities and/or at increased rates when compared to natural conditions prior to development.

Improvements. Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, storm water management facilities, grading, street signs, plantings, and other items installed for the welfare of the property owners and/or the public.

Individual On-lot Sewage System. A system of piping, tanks, and other equipment located on and serving a single lot, collecting and disposing of its sewage, in whole or in part, into the soil or into any waters of the Commonwealth of Pennsylvania, or into any means of conveyance to another site for final disposition.

Intermittent Stream. A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during portions of the year, is at the local water table and obtains its flow both from surface runoff and from groundwater discharges.

Land Development. The improvement of one (1) lot or of two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

A. Land Development shall include:

1. Two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; or
2. A single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
3. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or
4. A subdivision of land.

B. Land Development shall not include:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
2. The addition on a lot or lots of an accessory building, including farm buildings, subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to acreage newly acquired by an amusement park until initial plans for the expanded area have been approved by all proper authorities.
4. A building addition to an existing non-residential principal structure, provided that:

- a. The addition does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a revision of the facility's sewage plan (plan revision module for land development), or supplement; and
- b. The addition is not for the creation of any additional units of occupancy; and
- c. The addition complies with all provisions of applicable Township ordinances.
- d. For the purpose of this subclause, the building addition exemption shall be limited cumulatively from the date of this ordinance. The net addition shall be the sum of all additions after the date of the adoption of this Ordinance.

Land Disturbance. Any activity involving grading, tilling, digging, or filling of ground; stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.

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.

Landscape Architect. A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

Lateral. Conduits connecting individual buildings to utility services that are generally located within the street.

Lineament. A topographic line that is structurally controlled (AGI [American Geological Institute] Dictionary of Geological Terms). A cluster of parallel fractures in the bedrock, several times longer than wide, which may be expressed in the land surface by parallel water courses and vegetation patterns; an especially favorable site for wells.

Location Map. A map showing the site with relation to adjoining areas.

Lot. A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit. A "lot" shall include one or more contiguous pieces, parcels, or plots of land of record, all under the same ownership.

Lot Area. The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, not including any area within a street right-of-way

Lot, Flag. A parcel of land shaped like a flag flown from a staff the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots.

Lot Width. The width of a lot measured at the street right-of-way line or the minimum building setback line. For a flag lot, the lot width shall be measured at the flag.

Lot, Flag. A parcel of land shaped like a flag flown from a staff, where the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots.

Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot. A parcel of land in a mobile home park, improved with the utility connections and other appurtenances necessary for the placement thereon of a single mobile home.

Mobile Home Park. A parcel, or several contiguous parcels, of land which have been so designated and improved, containing two (2) or more mobile home lots for the placement thereon of mobile homes.

Modification. The granting of an exception to these regulations which in the opinion of the Township Supervisors will not be detrimental to the general welfare, impair the intent of those regulations, or conflict with the Comprehensive Plan.

Multiple Dwelling Building. A building providing separate living quarters for two (2) or more households.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted.

Natural Watercourse. An existing watercourse or channel which is not man-made, consisting of a definite bed and banks which confine and conduct continuously or periodically flowing water.

Non-Residential. Any use other than single- or multi-household dwellings. An institutional building in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered non-residential.

NWI. National Wetland Inventory.

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 greater than if the site had remained undeveloped.

One Hundred (100) Year Flood. A flood that, on the average, is likely to occur once ever one hundred (100) years (i.e. that (1) percent chance of occurring each year, although the flood may occur in any year).

Owner. The person holding the deed to a parcel of land.

Parking Area. An area on a lot utilized for the parking of one or two vehicles associated with a single unit of occupancy.

Parking Lot. An area on a lot having any use other than sole agricultural use, for the parking of three (3) or more vehicles.

Parking Space. An off-street space available for the parking of a vehicle. Parking spaces shall not be obstructed by another parking space or by structural impediments to vehicular access.

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

Person. An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Plan. The map or plan of a subdivision or land development, as follows:

- A. Final Plan. A complete and exact subdivision and/or land development plan, including all supplementary data specified in Article 4 of this Ordinance.
- B. Improvement Construction Plan. A complete and exact subdivision and/or land development plan, prepared in accordance with §306 of this Ordinance, the sole purpose of which is to permit the construction of only those improvements required by this Ordinance, as an alternative to guaranteeing the completion of those improvements by a corporate bond or other surety.
- C. Lot Add-On Plan. A complete and exact subdivision plan including all supplementary data specified in §406 of this Ordinance.
- D. Minor Subdivision. A complete and exact subdivision plan including all supplementary data specified in §307 of this Ordinance.
- E. Preliminary Plan. A subdivision and/or land development plan including all required supplementary data specified in 404 of this Ordinance, showing approximate locations.
- F. Record Plan. A final plan which contains the original endorsement of the local municipality and the Planning Commission, which is intended to be recorded with the Fulton County Recorder of Deeds.
- G. Revised Final Plan. Any subdivision or proposed land development plan that changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.
- H. Separation Subdivision. A complete and exact subdivision plan including all supplementary data specified in §407 of this Ordinance.

I. **Sketch Plan.** An optional informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings with the general layout of a proposal prepared in accordance with §402 of this Ordinance.

Planning Commission. The Thompson Township Planning Commission.

Planning Module for Land Development. A revision to the Township's Official 537 Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

Professional Consultant. Individual or firm providing expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

Project Site. An area of land subject to land disturbance or development and within the jurisdiction of this Ordinance.

Public Sewer System. A municipal sanitary sewer system approved and permitted by DEP and owned by a Sewer Authority or Township.

Public Water System. A municipal water-supply facility approved and permitted by DEP and owned by a Water Authority or Township, or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission.

Quadrant. A circular or square plot of a given area used to determine the dominant plant species within a site.

Record Drawings. Revised prints of the original drawings, showing those changes made during the construction process. Also, "As-built drawings."

Recorder of Deeds. The Recorder of Deeds in and for Fulton County, Pennsylvania.

Regulated Activity. An action or proposed action that has an impact upon storm water runoff and which is specified in Section 610 of this Ordinance.

Replacement Location. An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable. This area shall meet all the regulations of DEP and all applicable Township Ordinances for an individual on-lot sewage system.

Retention Pond. A pond containing a permanent pool of water and designed to store runoff from a given storm event and release it at a predetermined rate.

Reverse Frontage Lot. A lot extending between and having frontage both on a major street and on a minor street, with vehicular access solely from the minor street.

Right-of-Way. Land set aside for use as a public or private street, alley, pedestrian walkway or other means of travel.

Sediment Basin. A temporary impoundment constructed along a waterway or at other suitable locations to intercept runoff and to trap and retain sediment.

Semipervious Surface. A surface, including, but not limited to, crushed stone, which permits limited vertical transmission of water into the ground.

Setback. The required horizontal distance between a setback line and a property or street right-of-way line.

Sight Distance. The length of road visible to the driver of a passenger vehicle at any given point in the road when viewing is unobstructed by traffic. See §602.7 et seq.

Storm Sewer. A system of pipes, conduits, swales, or other similar structures including appurtenances which carries intercepted runoff, and other drainage, (but excludes domestic sewage and industrial wastes).

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

Storm Water Management. A program of controls and measures designed to regulate the quantity and quality of storm water runoff from a development while promoting the protection and conservation of groundwater and groundwater recharge.

Storm Water Management Facilities. Those controls and measures used to implement a storm water management program.

Street. A strip of land, including the entire right-of-way (vid.), 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. Except where an existing street within the Township is officially classified, the following general classifications will prevail:

- A. Alley. A local street which is used primarily for vehicle access to the rear or sides of properties otherwise abutting a street, or for placement of utilities.
- B. Arterial Street; Highway. A street or road that is used primarily for fast or heavy traffic, including all roads classified as main and secondary highways by the Pennsylvania Department of Transportation.
- C. Collector Street. A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance and circulation streets of a residential development and all streets within industrial and/or commercial subdivisions or developments.

- D. Cul-de-sac. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- E. Local Street. A street which is used primarily for access to the abutting properties.
- F. Private Street. A pre-existing street or a street which is constructed in accordance with the applicable provisions of this Ordinance which is not owned by a public entity. Thompson Township shall not be responsible for any type of maintenance or snow removal on any private street.

Street Line. A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Also known as the “street right-of-way line.”

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

Subdivider. A developer.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcel 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 devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Surveyor. A professional land surveyor licensed in the Commonwealth of Pennsylvania.

Temporary Farm Employee Housing. Mobile homes or other manufactured dwellings provided on a seasonal basis to house temporary farm laborers and their families, for a period not to exceed one hundred twenty (120) days within any three hundred sixty-five (365) consecutive day period.

Township. Thompson Township, Fulton County, Pennsylvania, as represented by the Board of Supervisors, or its duly authorized agents.

Tract, Parent. All contiguous land owned by the same landowner which is or was contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original parent tract.

Tract, Subject. Any portion or portions of the Parent Tract, area, lot, parcel, project, property, or site, or any piece of land that is the subject of an application under the jurisdiction of this Ordinance.

Transect. A line along which quadrants are placed at intervals.

Travel Trailer. A portable structure, primarily designed to provide temporary living quarters

for recreation, camping, or travel purposes. In addition to the above, any one of the following attributes are characteristic of a travel trailer:

- A. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
- B. The unit is mounted or designed to be mounted on wheels;
- C. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
- D. The unit contains, or was designed to contain, temporary storage of water and sewer; or,
- E. The unit contains some identification by the manufacturer as a travel trailer.

Undeveloped Land. Land in parcels of sufficient size to allow for future subdivision and/or development in accordance with the terms of this Ordinance.

Unit of Occupancy. A habitation, the use of which is not subordinate to or customarily incidental to the use of a principal unit. A unit of occupancy can be either residential or non-residential. It can be an independent unit within a structure or a separate detached structure. Types of units are as follows:

- A. **Single Detached Unit.** A unit that is completely surrounded by open space.
- B. **Semi-Detached Unit.** A unit within a structure in which two (2) units are side by side, each having open space on three (3) sides (e.g., a twin or semi-detached dwelling).
- C. **Horizontally Attached Unit.** A unit within a structure in which three (3) or more units are attached by vertical walls and do not have horizontal divisions between units (e.g., town houses, row houses, shopping center with multiple store fronts).
- D. **Vertically Attached Unit.** A unit within a structure in which two (2) or more units are attached by horizontal divisions (e.g., multi-story apartment building or multi-story office building).

Wastewater Treatment Facility. A system of piping and appurtenances, whether municipally or privately owned, designed for the collection and transmission of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions to a central wastewater treatment plant for treatment and discharge (not including septic tanks or other sub-surface disposal systems).

Water Supply Facility. A system of piping and appurtenances, whether municipally or privately owned, designed for the transmission and distribution of potable water from a centralized water supply or source to residences, commercial buildings, industrial plants, or institutions (not including individual on-lot wells).

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a preponderance of vegetation typically adapted for life in saturated soils, as per the current federal and state manual(s) for identifying and delineating jurisdictional wetlands. Wetlands include, but are not limited to, swamps, bogs, marshes, and wet meadows.

Wooded Area. Any stand of trees, the majority of which are greater than 6 inches in diameter at breast height and covering an area greater than one-quarter acre, or any stand or grove of mature trees without regard to minimum area.

ARTICLE III

PLAN PROCESSING PROCEDURES

Section 301 General

This article sets forth the application requirements for obtaining approval of subdivisions and land developments. The form of the various plans referred to in this Article and information required to be forwarded with such plans shall be as specified in Article IV.

Section 302 Application and Processing Requirements

All applications shall follow these application and processing requirements (except Sketch Plans, as provided hereafter).

A. Formal Application/Submission Deadlines.

1. All applications for approval of a subdivision plan, land development plan, lot add-on plan, or improvement construction plan shall be made by the developer filing an application form, to be supplied by the Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with the Township. Applications may be filed with the Township on any business day; however, the Planning Commission may review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.
2. The official filing date shall be the date that the Thompson Township Board of Supervisors deem that the application is complete at a regularly scheduled or special (legally advertised) public meeting. Plans may be received up to fifteen (15) days prior to a regular meeting of the Thompson Township Board of Supervisors. The date plans are received shall be stamped on said plans by the Township Secretary. The date of receiving plans and the date they are deemed complete and filed shall both be stamped on the official Township set.

B. Application Requirements. All plan applications shall include the following:

1. Three (3) copies of the plan(s). All plans shall be either black on white or blue on white paper prints and prepared in conformance with the provisions of Article IV of this Ordinance.
2. Three (3) copies of all reports, notifications, and certifications which are not provided on the preliminary plan.
3. Three (3) copies of the application form as provided in the Appendix.
4. Filing and Review Escrow fees in the amounts specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office.
5. Three (3) copies of all reports required by Article IV.

6. Documentation that the plans have been properly filed with the Fulton County Planning Commission, as well as with any and all other required approving agencies (local, state, and federal agencies, water and sewer authorities, utilities, etc.)
 7. The applicant shall provide the Township with five (5) copies of the most current plan at least five (5) business days before the plan is scheduled to be reviewed by the Planning Commission or the Board of Supervisors.
- C. Distribution. The applicant shall submit two copies of the above required information to the Township and one copy to the Township Engineer, for their respective reviews.
- D. Initial Application. The Township staff shall have seven (7) business days from the date of submission of an application to check the plans and documents to determine if, on their face, they are in proper form and contain all information required by this Ordinance. If defective, the application shall be returned to the applicant with a statement explaining the reason(s) of rejection, within twelve (12) business days following the date of submission by the applicant; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- E. Amendments or Corrections to an Application. The Township staff shall have seven (7) business days from the date of submission of an amended or corrected application or plan to determine whether such amended or corrected application constitutes a “substantial amendment” to the plan or if the application or plan filed has been changed so as to be considered a “new plan.” If the Township staff determines that the amended or corrected application constitutes a substantial amendment, the applicant shall be informed of the determination within twelve (12) business days from the date of the submission of the amended or corrected application and the Township staff shall further inform the applicant that the Township shall consider the ninety (90) day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Township staff determines that the amended or corrected application constitutes a new plan, the applicant shall be informed that a new application and new fees are required. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- F. Plan Review Process
1. Review by the Township Staff and Professional Consultants
 - a. The Township personnel, as directed by the Board, shall review the application documents to determine if they are in compliance with this Ordinance, the Comprehensive Plan, all other relevant Ordinances, the Township’s planning objectives, and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed to do so by the Board.
 - b. The Township Engineer and/or other professional consultants designated by the

Board of Supervisors shall review the application documents to determine compliance with this Ordinance, and any other applicable Township ordinances and good engineering practices. The Township Engineer and/or other professional consultant shall prepare a written report of findings and recommendations which shall be presented to the Township and to the applicant.

c. All review fees shall be paid by the applicant.

2. Briefing Items

a. At a plan's first presentation to the Planning Commission, no action will be taken. The plan will be presented by the Township staff as a briefing item for introduction to the Planning Commission and for general comments. The applicant and/or his representative are not required to attend this meeting.

b. Plans will be presented by the Township staff as briefing items at regular meetings of the Board, following presentation of the plans as briefing items to the Planning Commission. The applicant and/or his representative are not required to attend this meeting.

3. Planning Commission Review. The Planning Commission will review the application with the developer or his agent at a regular meeting following the meeting where the application was introduced to the Planning Commission as a briefing item, and after comments are received from the Fulton County Planning Commission. The Planning Commission will review the application to determine if it meets the standards set forth in the Township's ordinances. The application shall then be submitted by the Planning Commission to the Board, together with its analysis and recommendations, including those of the Township staff and Engineer and professional consultants. Generally, the plan will not be forwarded to the Board until it has been recommended for unconditional approval or disapproval.

4. Board Review Process

a. Generally, following review and recommendation by the Planning Commission, the Board of Supervisors will place the plan on its agenda for review and action.

b. All applications for approval of a plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

c. Notification of Board of Supervisors Action. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

- 1) When the application is not approved 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.
 - 2) Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the Municipalities Planning Code, shall be deemed an approval of the application as presented, unless the applicant has agreed in writing to an extension of time or to a change in the prescribed manner of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- d. Compliance with the Board of Supervisors Action. If the Board conditions its plan approval upon receipt of additional information, changes, and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a modification by extending the effective time period.
 - e. Board of Supervisors Approval and Certification. The Board will acknowledge the satisfactory compliance with all conditions, if any, of the plan approval at a regularly scheduled public meeting. After receipt of plan approval and compliance with all conditions of approval, a plan shall be presented to the Township for acknowledgement through a formal approval certification statement on the plan as provided in the Appendix. The applicant shall provide two copies of the approval certificate (one for the Township and one for the applicant) of the plan for the Board's signing.

Section 303 Pre-Application Review (Sketch Plan)

Applicants are strongly urged to discuss possible development sites and plans with the Township staff prior to formal submission of any plan. The purpose of the pre-application meeting or sketch plan review is to afford the applicant an opportunity to receive the advice and assistance of the Township Planning Commission, Board of Supervisors, and staff. Submission of a sketch plan is optional and will not constitute formal filing of a plan with the Township.

- A. Pre-Application Plans and Data Procedure. Prior to the preparation and filing of the preliminary plan for subdivision or land development, the applicant may submit to the Township the following plans and data:
- B. Submission of Pre-Application (Sketch) Plans. Prospective applicants submitting a pre-application plan for review by the Planning Commission should include those items listed in §402 of this Ordinance. Plans should be submitted at least fifteen (15) business days prior to a regularly scheduled monthly meeting of the Planning Commission. All plan submissions should be accompanied by a completed application, as provided in the Appendix, and a filing

fee in the amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office. The applicant may proceed to the preliminary plan process following the sketch plan meetings with the Planning Commission and with the Board of Supervisors. The applicant should incorporate into the preliminary plan the comments or concerns of the Planning Commission, Board of Supervisors, and staff and shall make every effort to address these items in the preliminary plan.

Section 304 Preliminary Plan Application

- A. Preliminary Plan Application. With the exceptions noted in §307 of this Ordinance, a preliminary plan is required for applications that propose new streets, all land development plans, and subdivision plans that create four (4) or more new lots either initially or cumulatively as of the date of the adoption of this Ordinance. All other plans may be submitted as final plans in accordance with §305.
- B. Approval of a Preliminary Plan application. Approval of a preliminary plan application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval. The preliminary plan may not be recorded in the office of the Recorder of Deeds.

Section 305 Final Plan Application

- A. Prerequisites to Filing Final Plan Application. An application for final plan approval may be submitted only after one of the following, when required, has been completed:
 - 1. The receipt of an unconditional preliminary plan approval in accordance with section 304 of this Ordinance, when a preliminary plan approval is required; and/or,
 - 2. The completion of the improvements required by this Ordinance in accordance with the improvement construction plan (§306 of this Ordinance), when the improvements are not assured by the posting of financial security, as provided in Article V of this Ordinance.
- B. Final Plan Applications
 - 1. The final plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
 - 2. The Township may accept a final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board, with a recommendation from the Township Planning Commission, shall determine whether a

modified final plan will be accepted or whether a new preliminary plan shall be submitted.

- C. Application Requirements. In addition to the application requirements of §302, Final Plans which require access to a highway under the jurisdiction of the PA Department of Transportation, shall include two (2) copies of the plans prepared to support the application for a Highway Occupancy Permit.
- D. Final Plan Certification. After the Board's approval of the final plan, and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of final plans, which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equivalent) and one (1) set of final plans, which shall be a paper copy for the Board's files.
- E. Upon compliance with all conditions of plan approval to the satisfaction of the Board and compliance with Article V of this Ordinance, two (2) transparent copies of the final plan shall be certified in the following manner: both final plans shall be presented to the Planning Commission and to the Board for the signature of the respective Chair or Vice Chair or their designees. Final plans will not be signed by the Board prior to certification by the Planning Commission or if submitted more than ninety (90) days after the Board's final approval action unless the Board grants a written modification by extending the effective time period of the approval.
- F. Final Plan Recordation. Upon approval and certification of a final plan and payment of any and all outstanding fees, the applicant shall record the plan in the office of the Recorder of Deeds. Should the applicant fail to record the final plan within ninety (90) days of the Board's final plan approval, the Board's action on the plan shall be null and void unless the Board grants a written modification by extending the effective time period of the approval.
 - 1. The final plan shall be filed with the Recorder of Deeds and proof of such recording shall be provided to the Township before the Developer may proceed with the sale of lots.
 - 2. The final plan shall be filed with the Recorder of Deeds before proceeding with the construction of any improvement except as provided for in §307 of this Ordinance.
 - 3. No subdivision or land development plan may be recorded unless it bears the endorsement of the Board.
- G. Effect of Recording of Final Plan. Recording the final plan, after approval of the Board, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use. However, the approval of the Board shall not impose any duty upon the Commonwealth, County, or Township concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or Township actually accept same by ordinance.
- H. The landowner may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such area shall remain with the owner, and neither the Commonwealth, County, Township, nor any

applicable authorities shall assume any right to accept ownership of such land or right-of-way.

Section 306 Improvement Construction Plan

- A. Improvement Construction Plan Application. After an applicant has received official notification that the preliminary plan has been approved, an application may be processed for an improvement construction plan.
1. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
 2. The Board may accept an improvement construction plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board shall determine, with a recommendation from the Township Planning Commission, when a modification will require a revised preliminary plan.
- B. Plan Requirements. All improvement construction plans shall be prepared in conformance with the provisions of §405 of this Ordinance.
- C. Improvement Construction Plan Certificate and Construction Authorization. After the Board's approval of the improvement construction plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) plans which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equivalent). These plans shall be certified in the following manner:
1. Both improvement construction plans shall be presented to the Board for the signature by the majority of supervisors. Improvement construction plans will not be signed by the Township if submitted more than ninety (90) days from the Board's approval action unless the Board grants a modification by extending the effective time period of the approval.
 2. Approval and certification of an improvement construction plan shall not constitute final plan approval of the proposal, nor shall this plan be recorded with the Recorder of Deeds, but shall, when combined with the necessary municipal and/or Commonwealth approvals and permits, grant the authority to install the improvements required as part of this Ordinance.
 3. Following the Board's certification of the improvement construction plan, one (1) copy of the plan will be retained by the Board and the remaining copy will be available to the firm which prepared the plan.
 4. Improvement construction plan approval will be effective for a five (5) year period from the date of the Board's approval action. Construction must be completed and a final plan

application must be submitted within five (5) years of the improvement construction plan approval, or else the plan approval will become null and void unless the Board grants a written modification by extending the effective time period of the approval.

- D. Completion of Improvements. Upon completion of the improvements required by this Ordinance, the applicant may proceed to submit a final plan and application which shall include notice of approval of the improvements by the entity which is to accept the improvement.

Section 307 Plans Exempted from Preliminary Plan Procedures

Plans that meet the criteria listed hereafter shall be exempt from the requirement for a preliminary plan and may proceed to a final plan prepared in accordance with Article IV.

A. Lot Add-On Plans.

1. Lot Add-On Plans shall meet the following criteria:
 - a. A lot add-on plan shall only be prepared for the conveyance of land for the sole purpose of increasing the size of a contiguous parcel.
 - b. A lot add-on plan shall not create any additional lot(s).
 - c. A lot add-on plan shall not result in any nonconformity with the design standards found in Article VI of this Ordinance
 - d. A lot add-on plan shall not alter the site and/or existing storm water management facilities in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
 - e. A lot add-on plan shall not alter a recorded plan or revise any approved final plan which has not yet been recorded. The alteration of a recorded plan or an approved final plan which has not been recorded shall be by a revised final plan (See §307.D).
2. In every case where a proposal conforms to the above, the application shall comply with the following procedures:
 - a. The applicant shall submit to the Township two (2) black on white or blue on white paper copies of a lot add-on plan prepared to the standards specified in §406 of this Ordinance and one (1) application form as provided in the appendix. In addition to submitting the required material, the applicant shall provide all filing fees required by the Township plus documentation that plans have been properly submitted to the County Planning Commission.
 - b. If the plan qualifies, the applicant shall prepare two (2) plans for recording, which shall be either (a) black ink on tracing cloth or (b) a transparent reproduction of the original plan with black line on cloth or stable plastic base film, and one (1) set of

paper copies of the plan for the Board's files. The two (2) transparent copies of the plan shall be certified by the Board. The applicant shall record the plans with the Recorder of Deeds. These plans shall be filed with the Recorder of Deeds prior to the execution of a deed for the land.

3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in §305 of this Ordinance.

B. Separation Subdivision.

1. Separation subdivision plans may be used to divide one lot into two lots whose common boundary is one of the following:
 - a. The centerline of an existing street; or,
 - b. The centerline of an existing creek or stream; or,
 - c. A municipal boundary.
2. The proposed lots to be created by the separation subdivision plan shall conform to all the following:
 - a. The proposed lots shall be separated by the common boundary along the entire length of the parent tract; and,
 - b. The proposed lots shall conform to the design standards found in Article VI of this Ordinance; and,
 - c. The proposed lots shall conform to all other requirements of this Ordinance.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in §305 of this Ordinance.

C. Minor Subdivisions and Land Developments.

1. In the case of a subdivision plan of four (4) lots or fewer, either initially or cumulatively from the effective date of this Ordinance, which does not require provision for a new street, the applicant may, at his discretion, concurrently submit preliminary and final plans for action at the Board meeting. For the purpose of interpreting this Section of the Ordinance, a subdivision of not more than four (4) lots shall not include the remaining tract.
2. In the case of a land development plan proposing 1) the construction of one residential building not exceeding 10,000 square feet of building area; or 2) The construction of an addition to a non-residential building not exceeding 5,000 square feet of additional building area, the applicant may, at his discretion, concurrently submit preliminary and final plans for action by the Township.

3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in §305 of this Ordinance.
 4. In every case where a plan conforms to the above, the applicant shall be exempted from complying with the requirements of §302(C)-(E) and of §302(F)(2)-(4)(a).
 5. All other plans shall be submitted in accordance with §304 of this Ordinance.
- D. Revised Subdivision and/or Land Development Plans. Any re-platting, revision, or re-subdivision of recorded plans, or any re-platting, revision, or re-subdivision of any approved final plan which has not been recorded, excluding lot grading plans in subdivisions, shall be considered a new application and shall comply with all requirements of this Ordinance, except that plans may be changed, provided that in making such changes:
1. No lot or tract of land shall be created that does not meet the minimum design standards required by this Ordinance and existing Township regulations.
 2. No structure shall be relocated which does not meet the minimum design standards required by this Ordinance and existing Township regulations.
 3. No increase is made in the overall density and no additional lots are created.
 4. The site and/or storm water management facilities are not altered in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
 5. Street locations and block sizes shall not be changed.
 6. The character and land use of the original application shall be maintained.
 7. In every case where a plan alteration conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in §305 of this Ordinance.
- E. Accessory Dwelling Plans. Accessory dwelling plans shall be processed in accordance with the Accessory Dwelling Policy and Guidelines as provided in the Appendix.

Section 308 Procedure for Requesting the Consideration of a Modification of the Provisions of This Ordinance

- A. Application Requirements. A request for a modification may be submitted to the Board at any time. All requests shall include a completed application for consideration of a modification, as provided in the Appendix, be in writing, and be accompanied by a plan prepared at least to the minimum standards of a sketch plan (See Section 402). The request must be in writing and shall identify:
1. The specific section of this Ordinance which is requested to be modified.

2. The provisions proposed as an alternate to the requirements. The alternate provisions must be equal to or better than the requirements of, and consistent with, the intent of this Ordinance and shall not be contrary to the general public interest.
3. Justification for the modification. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based.

B. Township Action

1. A modification request that is submitted as part of an application for subdivision, land development plan, lot add-on, or improvement construction plan shall be processed along with that application of which it is a part. The plan processing procedures outlined in §302 shall apply.
2. If a modification request is not submitted with an application for subdivision, land development, lot add-on, or improvement construction plan, then the processing procedures outlined in §302 shall apply.

ARTICLE IV INFORMATION TO BE SHOWN ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS

Section 401 General

This article sets forth the plan and report preparation standards. The following standards shall apply to the preparation of all sketch plans, subdivisions, and land development plans, and reports. All plan information reports shall be provided in an easy to read format and shall be legible in every detail to the satisfaction of the Township. All plans shall be prepared in general accordance with the Standard Plan Format, as provided in the Appendix.

Section 402 Sketch Plans

A. General

1. For major developments or for unusual circumstances that could benefit from the pre-planning process, applicants are encouraged to submit Sketch Plans as a means of facilitating the approval process. While the Board understands that Sketch Plan comments are not binding on either the Township or the applicant, the Board has identified the Sketch Plan process as one which allows for the exchange of information that is important in the planning process.
2. Sketch Plans should include any features of the Township's future land use plan, thoroughfares plan, community facilities plan, or of any plans of the Township, including but not limited to, proposed streets, recreation areas, drainage reservation, future schools sites, and public areas. A specific site analysis should be provided which highlights man-made and natural features. The analysis should include information pertaining to soil types and stability, wetlands, scenic vistas, water courses, drainage patterns, slope, and transportation patterns. It should take note of deficiencies of existing roadways, public utilities, recreational facilities, and any other features of the site and nearby areas which may be affected or impacted by the proposed development and land use.

B. Drafting Standards The scale and sheet size of sketch plans shall be as required for subdivision and land development plans in §403.1. The sketch plan may be prepared by a qualified landowner or individual, or by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The sketch plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

1. Name and address of the developer (if applicable) and landowner.

2. Name of the individual and/or the firm that prepared the plan.
3. Location map with sufficient information to enable the Board to locate the property.
4. North arrow.
5. Written and graphic scales.
6. Approximate tract boundaries with the name(s) of adjacent landowner(s), if known.
7. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundaries in the vicinity of the tract.
8. Significant topographical and man-made features (e.g., structures, streets, buildings, wooded areas, steep slopes, quarries, bodies of water, floodplains, potential wetland areas, and topographic contours.).
9. Location of all proposed streets and alleys, street names, rights-of-way and easements; proposed lot lines with approximate dimensions; proposed minimum building lines for each street; playgrounds; public buildings; public areas; historical sites; and parcels of land proposed to be dedicated or reserved for public use.
10. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
11. Statement explaining the methods of water supply and sewage disposal to be used.

Section 403 General Requirements for Preliminary and Final Subdivisions and Land Development Plans

Preliminary and final subdivisions and land development plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plans shall be prepared in accordance with the “Standard Plan Format,” as provided in the Appendix, and shall be accompanied by, or prepared in accordance with, the following:

Section 403.1 Drafting Standards

All subdivision and land development plans shall be prepared in accordance with the following drafting standards.

- A. The plan shall be clearly and legibly drawn at a horizontal scale of 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet to the inch.
- B. All profiles of storm water management facilities, streets, sanitary sewer facilities, and water supply facilities shall be drawn at a horizontal scale of 1” = 50’ and at a vertical scale of 1” = 10’ or 1” = 5’.
- C. A north arrow, a graphic scale, and a written scale shall be provided.

- D. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
- E. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- F. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is prepared in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and shall be numbered to show its relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).

Section 403.2 Project Location and Identification

The following location and identification data shall be included on all subdivision and land development plans:

- A. The proposed project name or identifying title.
- B. Name of the municipality or municipalities in which the project is located, including the locations of any municipal boundaries, if within 200 feet of the subject tract.
- C. The names and addresses of the owner of the tract (or his authorized agent), of the developer/subdivider, and of the firm preparing the plans.
- D. The file or project number assigned by the firm preparing the plan, the plan date, and the date(s) of all plan revisions.
- E. The entire existing tract boundary, with bearings and distances. (If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or fewer acres, it must be described to the accuracy of the requirements of this Ordinance). In the case of lot add-on plans, and revised final plans, the boundary of the receiving tract shall also be identified as a deed plotting and may be drawn at any legible scale.
- F. The total acreage of the entire existing tract.
- G. The location of existing lot line markers along the perimeter of the entire existing tract.
- H. The lot size and/or density requirements of this Ordinance.
- I. If applicable, a statement on the plan indicating the granting of prior special exceptions or variances, along with any prior modifications to sections of this Ordinance granted by the Board.

- J. The names of all adjacent landowners, both adjoining and across existing rights-of-way, along with the Record book and page numbers of all previously recorded plans for adjacent properties.
- K. A location map, drawn to scale, relating the subdivision or land development to at least two (2) intersections of street centerlines, including the approximate distance to the intersection of centerlines of the nearest improved street intersection.
- L. Source of title (deed book and page), Plat book (if applicable), and tax identification number.

Section 403.3 Existing Features

The following features shall be shown on all subdivision and land development plans and shall be shown on a separate sheet titled “Existing Features”. No proposed features shall be included on this sheet.

A. Existing contours shall be shown at the following minimum vertical intervals:

Average Natural Slope	Required Contour Interval
0 to 3%	1 foot contour interval
4 to 20%	2 foot contour interval
21% and greater	5 foot contour interval

1. Contour interval may be adjusted based upon horizontal scale with concurrence of the Township Engineer.
 2. Contours shall be accompanied by the location of the bench mark and a notation indicating the datum used. The datum used by an Authority shall be used in all plans indicating connection to an Authority’s public sewer system or public water system.
 3. Contours plotted by interpolation of Fulton County GIS mapping will only be accepted when there is no new construction or earth disturbance proposed by the plan.
 4. Contours plotted by interpolation of the United States Geodetic Survey 7.5’ mapping will not be accepted.
- B. The following items, when located upon or within two hundred (200) feet of the tract:
1. The locations and names of existing rights-of-way and cartways for private or public streets, alleys, and driveways.
 2. The locations and sizes of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, and buildings; and storm water collection, conveyance, and management facilities.
 3. The locations and sizes of existing on-lot sewage systems and wells.

4. The locations of existing rights-of-way and easements for electric, gas, and petroleum products transmission lines.
5. Significant environmental or topographic features such as floodplains, wetlands, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, archaeological sites, highly erosive soils, and wooded areas.

C. The following items when located within the subject tract:

1. The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm water.
2. The location and size of existing on-lot sewage systems and wells.
3. The locations and uses of existing buildings and other man-made features.
4. Significant environmental or topographic features as identified in all applicable Comprehensive Plans, including, but not limited to:
 - a. Prime agricultural soils;
 - b. Underlying geology (with any hazardous geology noted);
 - c. Floodplains;
 - d. Quarry sites;
 - e. Solid waste disposal areas;
 - f. Historic structures;
 - g. Cemetery or burial sites;
 - h. Archaeological sites;
 - i. Highly erosive soils;
 - j. Wooded areas;
 - k. Natural habitat; and,
 - l. PNDI sites.
5. The location of wetlands and related data or information required by §408.4 of this Ordinance.

Section 403.4 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on all subdivision and land development plans and shall be shown on a separate sheet entitled “Proposed Features”. The

proposed features and plan information shall be overlaid upon a copy of the existing features plan. The existing features shall be “screened” or “shaded” on the proposed features plan.

- A. Block and lot numbers in consecutive order (e.g., Block “A”, Lots 1 through 10; Block “B”, Lots 11 through 22).
- B. The locations and configurations of proposed buildings, parking compounds, streets, alleys, drive-ways, common open space, recreational areas, and all other significant planned facilities.
- C. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated.
- D. Easements and rights-of-way.
- E. Building setback lines and building envelopes.
- F. Identification of buildings to be demolished.
- G. Typical street cross-section for each proposed public or private street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way.
- H. Storm water management data and plans designed in accordance with §610 of this Ordinance. This information may be provided on a sheet with other data or on separate sheets and need not necessarily be recorded with the final plan. In the case of any dispute in the methodology used in the design of any storm water management plan and/or in the presentation of such information, the Board shall make the final determination on the design criteria, methodology and form of presentation. The following information shall be included:
 - 1. All calculations, assumptions, criteria, and references used in the design of the storm water management facilities, the establishment of existing facilities capacities, and the pre- and post-development discharges.
 - 2. All plans and profiles of the proposed storm water management facilities, including the horizontal and vertical locations, sizes, and types of material.
 - 3. For all basins, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations, inflow hydrographs, and outflow hydrographs.
 - 4. The guidelines for lot grading within the subdivisions. This information shall identify the direction of storm water runoff flow within each lot and the areas where storm water runoff flows will be concentrated. This information shall be shown by flow arrows or topographical data.
- I. If applicable, a table indicating the existing zoning district, total tract area, required lot size, required setbacks, required maximum and/or minimum development density, maximum building height, maximum lot coverage, and number of lots, if applicable, in the proposed

subdivision along with the proposals for each of these parameters.

- J. A statement on the plan indicating the granting of a zoning amendment, special exception or variance, if applicable, along with modifications granted by the Board to sections of this Ordinance.
- K. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood boundary and floodway map, profiles, and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed roads, fills, utilities, buildings, and storm water management facilities, and erosion control facilities.
- L. Location of all percolation test holes, deep probe holes, and proposed well locations.
- M. Easements for the on-lot sewage replacement locations.
- N. Clear sight triangles and stopping sight distances for all intersections, as described in §602.10 of this Ordinance.
- O. The locations of all trees more than 6 inches dbh and/or woodlands on the site, the locations of trees and/or woodlands to be removed, and the locations of trees and/or woodlands to remain.

Section 403.5 Certifications

The following certifications shall be included on all subdivision and land development plans.

- A. Certificate, signature, and seal of a surveyor registered in the Commonwealth of Pennsylvania, to the effect that the survey is correct, as provided in the Appendix.
- B. Certificate, signature, and seal of a professional engineer registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct, as provided in the Appendix.
- C. Certificate, signature, and seal of a professional engineer registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of the storm water management requirements of this Ordinance, as provided in the Appendix.

Section 403.6 Notifications

The following notifications shall be included on all subdivision and land development plans, where applicable:

- A. Emergency Services Provider Review

1. The Township may, at its sole discretion, require the review of any proposed project by the National Incident Management System (NIMS) or other Emergency Services Provider(s) responsible for providing protection in that area of the Township.
2. The purpose of this review shall be to provide notice to the NIMS or other Emergency Services Providers of the type and extent of the proposed use; to allow NIMS or other Emergency Services Providers the opportunity to provide the Township and the applicant with comments on their ability to adequately respond to the proposed use; to recommend appropriate locations for dry hydrants; and to allow NIMS or other Emergency Services Providers to comment on the proposed horizontal and vertical geometry to insure adequate access for emergency response equipment.
3. NIMS or other Emergency Services Providers shall respond, in writing, to the applicant's request within 30 days of the receipt of the applicant's submission. Failure of NIMS or other Emergency Services Providers to respond within the above prescribed time period shall be deemed their concurrence with the proposed project.
4. The applicant shall address NIMS or other Emergency Services Provider's comments to the satisfaction of the Township.

B. Public Utility Lines

1. Where the tract described in the application includes any public utility, electric transmission line, gas pipeline, or petroleum product transmission line, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions.
2. A note stating any conditions regarding the use of the land, minimum building setback, or right-of-way lines shall be included on the plan.
3. This requirement may also be satisfied by submitting a copy of the recorded agreement.

C. Natural Resource Easement

1. Where the land included in the subject application has an agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
2. This requirement may also be satisfied by submitting a copy of the recorded easement.

Section 403.7 Reports

The following reports, as applicable, shall be included with all major subdivision and land development plans.

- A. A hydrologic/hydraulic or storm water management report as required by §610 of this ordinance.
- B. A water feasibility report as described in §408.1 of this Ordinance.
- C. A sewer feasibility report as described in §408.2 of this Ordinance.

- D. A traffic evaluation report as described in §408.3 of this Ordinance.
- E. A wetland report as described in §408.4 of this Ordinance.

Section 404 Specific Requirements for Preliminary Plans

In addition to the requirements listed in Section 403, the following additional information shall be included on all preliminary subdivision and land development plans:

Section 404.1 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on the “Proposed Features” sheet(s).

- A. The layout of streets, alleys, and sidewalks, including cartway and right-of-way widths.
- B. The layout of lots, with approximate dimensions, and gross and net acreage.
- C. Street centerline profile for each proposed public or private street shown on the preliminary plan, including corresponding centerline stationing.
- D. The preliminary design of the proposed storm water facilities, sanitary sewer mains, and water supply mains and facilities. This information shall include the approximate size, vertical location, and horizontal location, if applicable.
- E. Proposed street names.
- F. Where the preliminary plan covers only a part of an intended larger development, a written proposal of the future development, in a form suitable to the Township and in compliance with the requirements of this Ordinance, including the logical extension of the sewer and water facilities for the unsubmitted part, shall be furnished. The street system of the plan under consideration may be subject to review, and the submitted part will be considered in light of adjustments and connections with future streets and utilities in the part not submitted.
- G. In case of a preliminary plan calling for the installation of improvements beyond a five (5) year period, a schedule delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed shall be provided. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan.
- H. Certificate of review by the Planning Commission, as provided in the Appendix.
- I. Certificate for approval by the Board of Supervisors, as provided in the Appendix.

Section 405 Specific Requirements for Final Plans

In addition to the requirements listed in §403, the following additional information shall be included on all final subdivision and land development plans. Revised Final Plans, as defined herein, shall not be required to include the off-site existing features information as specified in § 403.3.

Section 405.1 Drafting Standards

All sheets to be recorded by the Recorder of Deeds shall be twenty-four by thirty-six (24 x 36) inches.

Section 405.2 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on the “Proposed Features” sheet(s).

- A. Complete description of the centerline and right-of-way line for all new streets, whether public or private, and alleys. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
- B. Lot lines with accurate bearings and distances and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearings, and distances. Along existing street rights-of-way, the description may utilize the existing deed lines or street centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
- C. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated.
- D. Final vertical and horizontal alignment for proposed public or private streets and alleys, sanitary sewer, and water distribution systems. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.
- E. Final street names.
- F. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot markers are set or indicating when they will be set.
- G. A detailed grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to

recording with the final plans.

- H. Identification of any lands to be dedicated or reserved for public, semi-public, or community use.
- I. In the case of a plan which requires access to a highway under the jurisdiction of the Department of Transportation, the inclusion of the following plan note:

“A Highway Occupancy Permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the ‘State Highway Law’, before access to a state highway is permitted. Access to the state highway shall be as authorized by a Highway Occupancy Permit, and the Board of Supervisors’ approval of this plan in no way implies that such a permit can be acquired.”
- J. A complete landscape plan, for major sub-divisions, prepared by a landscape architect, showing the location, size and type of all plant material required by provisions of this Ordinance or any other applicable Township regulations, including but not limited to, screening, buffer planting, parking landscaping, replacement trees, and street trees. The landscape plan should be provided on separate sheets and must include the signature and seal of the registered landscape architect responsible for preparation of the plan.
- K. A detailed schedule of inspections, as generally outlined by §504 of this Ordinance, which is tailored for the site under consideration.
- L. In the case of Land Development Plans, architectural elevations shall be submitted for review by the Township.

Section 405.3 Certificates

- A. Certificate of review by the Planning Commission, as provided in the Appendix.
- B. Certificate for approval by the Board of Supervisors, as provided in the Appendix.
- C. Certificate for approval by the Township Engineer, as provided in the Appendix.
- D. A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, certifying that the subdivision or land development shown on the plan is the act and the deed of the owner; that all those signing are all the owners of the property shown on the survey and plan; that they desire the same to be recorded as such, and that all streets and other property identified as proposed public property are dedicated for public use, as provided in the Appendix. This must be dated following the last change or revision to said plan.
- E. Certification of review by the County Planning Commission, as provided in the Appendix.

- F. A certificate to accommodate the recorder of Deeds information, as provided in the Appendix.

Section 405.4 Notifications

- A. Notification from DEP that approval of the sewage facility plan revision (plan revision module for land development), supplement or exemption request has been granted, or notice from DEP that such approval is not required.
- B. Notice from Fulton County-Wide Communications stating that the proposed private and/or public street names are acceptable.
- C. Notice from the Fulton County Conservation District of the approval of the Erosion and Sedimentation Pollution Control Plan or a written statement that such approval is not needed.
- D. A note shall be placed on the plan indicating any area that is not to be offered for dedication, if applicable.
- E. Written notice from the Township Engineer and the appropriate Authority Engineer that all proposed improvements have been designed to the standards of the Township and/or the Authority and written notice from the Township Solicitor that financial guarantees in a form suitable to the Board of Supervisors and/or the appropriate Authority have been received. (See the Appendix and Article V).
- F. When the applicant posts financial guarantee in lieu of completion of the improvements, the Final Plan shall be accompanied by a completed improvement guarantee agreement. General examples of these agreements are provided in the Appendix.
- G. Such written notices of approval as may required by this Ordinance, including written notices approving the water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties.
- H. The submission of a controlling agreement in accordance with §602.2, when an application proposes to establish a street which is not offered for dedication to public use.
- I. Notification from the appropriate state and federal agencies that permits have been issued, or are not required, for any proposed activities within streams, wetlands, or any other state or federally regulated body of water. These permits include, but are not limited to, Floodplain Encroachment Permits, Dam Safety Permits, Earth Disturbance Permits, Stream Encroachment Permits, and General Permits.
- J. When the final plan is submitted in sections, the above notifications for all applicable activities on the entire site, shown on the approved preliminary plan shall be provided upon submittal of the first final phase of the project.

Section 405.5 Reports for Major Subdivisions

- A. A final hydrologic/hydraulic report as required by §610 of this Ordinance.
- B. A final traffic evaluation report as described in §408.3 of this Ordinance.

Section 406 Lot Add-On Plans

Lot add-on plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plan shall be accompanied by, or prepared in accordance with the following:

- A. Drafting Standards. The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in §403.1 of this Ordinance
- B. Project Location and Identification. The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in §403.2 of this Ordinance.
- C. Existing Features. The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in §403.3 of this Ordinance with the exception of topography required by §403.3.A and the off-site features required by §403.3.B.
- D. Proposed Features and Plan Information. The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in §403.4 and for final plans in §405.2 of this Ordinance.

Section 406.1 Certificates

- A. Certificate, signature, and seal of a surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct, as provided in the Appendix.
- B. Certificate, signature, and seal of a professional engineer registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct, as provided in the Appendix.
- C. Certificate of review by the Planning Commission, as provided in the Appendix.
- D. Certificate for approval by the Board of Supervisors, as provided in the Appendix.
- E. Certificate for approval by the Township Engineer, as provided in the Appendix.
- F. A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development

shown on the plan is the act and the deed of the owner, that those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such, as provided in the Appendix.

- G. Certification of review by the County Planning Commission, as provided in the Appendix.
- H. A certificate to accommodate the Recorder of Deeds information, as provided in the Appendix.

Section 407 Separation Subdivision Plans

Separation subdivision plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plan shall be accompanied by, or prepared in accordance with, the following:

- A. Drafting Standards. The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in §403.1 of this Ordinance.
- B. Project Location and Identification. The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in §403.2 of this Ordinance.
- C. Existing Features.
 - 1. The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in §403.3 of this Ordinance, with the exception of topography required by §403.3.A and off-site features required by §403.3.B.
 - 2. For any separation subdivision proposing new construction, existing and proposed contours shall be provided for all areas of proposed earth disturbance at the vertical interval specified for subdivision and land development plans in §403.3.A of this Ordinance.
- D. Proposed Features and Plan Information. The same standards shall be required for a separation plan as specified for subdivision and land development plans in §403.4 and for final plans in §405.2 of this Ordinance.

Section 407.1 Certificates

- A. Certificate, signature, and seal of a surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct, as provided in the Appendix.
- B. Certificate of review by the Planning Commission, as provided in the Appendix.
- C. Certificate for approval by the Board of Supervisors, as provided in the Appendix.

- D. Certificate for approval by the Township Engineer, as provided in the Appendix.
- E. A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such, as provided in the Appendix.
- F. Certification of review by the County Planning Commission, as provided in the Appendix.
- G. A certificate to accommodate the Recorder of Deeds information, as provided in the Appendix.
- H. Written notification from DEP that approval of the sewer facility plan revision (planning module), supplement, or exemption request has been granted, or written notification from DEP that such approval is not required.

Section 408 Required Reports

The following reports shall be included with all major subdivision and land development plans, as stipulated herein:

Section 408.1 Water Service Feasibility Report

- A. The applicant shall submit a report concerning the source of water to serve the proposed subdivision or land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review by the Township and the applicable authority.
- B. Prior to initiating the preparation of a water service feasibility report, the applicant shall provide a description of the methodology to be used to complete the report. The description shall describe the location and size of the tract, the intended use (including amount of daily water use) and the general terrain and geologic features. The exact methodology used in the study area should be based on engineering judgment and an understanding of existing geologic conditions at the site. In all instances, however, the study methodology must be mutually agreed upon by the applicant, his engineer, and the Township.
- C. All lots created, and any land development plan that proposes flows equal to or greater than four hundred (400) gallons per day within any area that the 537 Plan identifies to be served by public sewer shall be served by public water (where available).
 - 1. If connection to an existing public water supply system is proposed, the subdivider or developer shall submit an agreement committing the Authority or public utility to provide such water as will be utilized by the subdivision or land development for such period of

time and under such terms and conditions as the Authority or public utility provides water service elsewhere in its service area including, but, not limited to, the following:

- a. The locations and kind of fire hydrants shall be in accordance with the specifications of the Authority or public utility that operates such water system in concert with the local fire department thread requirements. A copy of the approval of such system by the Authority or the public utility shall be submitted.
 - b. The final plan application shall include a statement from the Authority or the public utility indicating the approval of the plans for design, installation, and possible financial guarantees.
 - c. The installation and construction shall be in accordance with the specifications of the Authority or the public utility. The Authority or the public utility shall establish requirements for the ownership and maintenance of such system.
2. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by the Authority. A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement, or a commitment to serve the area in question, whichever is appropriate, shall be acceptable evidence.
3. If a community water system is proposed, this system shall be in compliance with the regulations of DEP and the design standards of the Authority. All community systems shall be offered for dedication to the Authority.
- D. If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed (irrespective of whether that water is being distributed as a part of a community water supply system), the report shall include certification by the applicant's engineer that a renewable water resource exists upon all lots created and upon the area of any land development plan capable of supplying potable water as follows:
1. Minimum Residential Yield and Demand Requirement. - The report shall show that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of 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.
 2. Residential Recharge Requirement - The report shall show that the ground water recharge on the tract in question after development will exceed the anticipated water usage. Water usage shall be based upon DEP estimated sewage flows.
 3. Minimum Principal Non-Residential Yield and Demand Requirement. - The report shall show that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of 200 gallons per day per unit of non-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.

4. Non-Residential Uses - When industrial, agricultural, or commercial use is intended, the report shall set forth the proposed nature of the use, the proposed number of employees, and whether or not water will be used for cleanup and/or processing or otherwise in connection with that use, in addition to sewage service. 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 or Authority.
5. Aquifer Test Required. Prior to installation of any new water supply system or the subdivision of land into lots which would be served by individual wells in areas of, or in proximity to areas of, known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed. Areas of known groundwater problems shall be mapped and such information shall be maintained in the Township offices. Areas of known ground water problems shall include, but are not limited to:
 - a. Areas in proximity [one (1) mile] of sinkholes, ghost lakes, or drainage entering the ground.
 - b. Contaminated aquifers, including designated clean-up sites.
 - c. Other areas with documented water quantity or quality problems, including pollutants in excess of federal safe drinking water standards.
6. Aquifer Test Standards and Procedures. No person shall develop land within an area of known groundwater quantity problems without administering and passing on said land the aquifer test required by this Section. Prior to conducting the required testing, the applicant shall provide the Township and the Township Engineer with proposed test methodology which shall be subject to Township approval that shall demonstrate compliance with the following objectives and standards:
 - a. To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
 - b. To determine the location and character of geologic boundaries.
 - c. To ascertain the effects of well interference.
 - d. To provide a guide in the spacing of wells for the development of a well field.
 - e. 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 United States Environmental Protection Agency.
7. Criteria for a Request of Exemption. A proposed land development or subdivision which intends to use a groundwater source to supply water to the property may be exempted from these requirements by the Township if one or more of the following criteria are satisfied:
 - a. The proposed project is located one quarter (1/4) mile or less, in the same geologic

unit, from a previous aquifer test, within the past two (2) years, and the previous test showed transmissibility (T) values greater than one thousand (1,000).

- b. The proposed project has had two (2) aquifer tests on different sides of the proposed project within one-half (1/2) mile in the same geologic unit within the past two (2) years, with “T” values greater than one thousand (1,000).
- c. The proposed land development or subdivision is recommended for exemption by a qualified geologist based upon certified hydrogeological information.
- d. If Section 408.1.D.5 applies to the proposed project and the documented water problem relates to quality and not quantity, then the aquifer test may be exempted. However, a water quality test must be conducted and the method of water quality remediation identified.

Section 408.2 Sewer Service Feasibility Report

- A. The applicant shall submit a feasibility report concerning the availability of a public sewer system in or near the proposed subdivision or land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review by the Township, the applicable authority, and for recommendations by the local office of DEP.
 - 1. All lots created in an area identified by the 537 Plan to be served by public sewer, and any land development plan that proposes flows equal to or greater than four hundred (400) gallons per day, shall be served by public sewer.
 - 2. For those projects not located within an area identified by the 537 Plan to be served by public sewer, the feasibility report is not required for residential subdivisions of four (4) lots or less, including remaining lands, or for land development plans which propose flows of less than four hundred (400) gallons per day.
- B. If connection to an existing public sewer system is proposed, the subdivider or developer shall submit an agreement committing the public sewer system to provide such sewage disposal as will be needed by the subdivision or land development for such period of time and under such terms and conditions as the public sewer system provides sewage disposal service elsewhere in its service area.
- C. As a part of the feasibility study, the applicant shall state the type of sewage disposal desired for each of the proposed lots. If other than connection to a public sewer system or the installation of a conventional on-site sewage disposal system is intended on any of the lots, that fact shall be indicated on the plan itself.
 - 1. If connection to an existing public sewer system is proposed, the subdivider or developer shall so state.

2. The Board will approve on-lot sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of DEP shall certify that both an initial location and a replacement location for the on-lot sewage disposal system, as required by §611, are present on each lot.
 3. As a part of the feasibility study, there shall be included the results of the probe hole analyses and soil absorption tests on each of the lots as proposed in the subdivision. These probe hole analyses and soil absorption tests shall be certified as accurate by the Township Sewage Enforcement Officer.
 4. Subdivisions proposing a lot or lots utilizing alternate or experimental on-site sewage disposal systems will not be approved by the Board unless:
 - a. The Township Sewage Enforcement Officer and/or a sanitarian of DEP certifies that a proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-site sewage disposal system; and,
 - b. The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance, if applicable, and other Township regulations so as to enable utilization of a conventional on-site sewage disposal system.
- D. If community sewer systems are proposed, it shall be the sole responsibility of the developer to build these in compliance with the above requirements, as well as in compliance with the regulations of DEP and of the local water and/or sewer authority if one exists.

Section 408.3 Traffic Evaluation Study

- A. All residential developments or subdivisions containing ten (10) or more dwelling units or residential lots and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of ten thousand (10,000) square feet of usable space shall provide studies and reports in accordance with the requirements of this Section. All applicants with developments which do not meet the above stated criteria shall submit, at minimum, the information required in §408.3.C.4.
- B. The applicant is responsible for assessing the traffic impacts associated with a proposed development that meets any condition set forth above. The Township or its designee will review the applicant's assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum state and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Township or its designee may review the data sources, methods, and findings and provide written comments. The applicant shall be responsible for all costs of such review. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final study.

C. Traffic Impact Study Contents. A traffic impact study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use and the impacts associated with the proposed development plan. Following is a brief narrative for each section of a traffic impact study.

1. Introduction. This section identifies the land use and transportation setting for the site and its surrounding area.
 - a. Site and study area boundaries. A brief description of the size of the land parcel, general terrain features, street and road right-of-way lines, and location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the study limits must be mutually agreed upon by the developer, its engineer, and the Township.
 - b. Site description. This section contains a brief narrative that describes the proposed development in terms of its function, size, and near- and long-term growth potential. This description is supplemented by a sketch which clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern, and the locations and orientations of its proposed access points.
 - c. Existing and proposed site uses. Identify the existing and proposed uses of the site in terms of the various zoning categories, if applicable, in the jurisdiction. In addition, identify the specific use on which the request is made, since a number of uses may be permitted under the existing ordinances.
 - d. Existing and proposed nearby uses. Include a complete description of the existing land uses in the vicinity of the site as well as their current zoning, if applicable. The applicant will also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of underdeveloped land are in the vicinity of the site and within the prescribed study area.
 - e. Existing and proposed roadways and intersections. Within the study area, describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies.
2. Analysis of Existing Conditions. This section describes the results, as well as the data collection efforts, of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions.
 - a. Daily and peak hour(s) traffic volumes. Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes will be presented for the three (3) peak hour

- conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.
- b. Volume/capacity analyses at critical points. Utilizing techniques described in the Highway Capacity Manual or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - c. Level of service at critical points. Based on the results obtained in the previous section, levels of service (A through F) will be computed and presented. This section will also include a description of typical operating conditions at each level of service.
3. Analysis of Future Conditions Without Development. This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.
- a. Daily and peak hour(s) traffic volume. Clearly indicate the method and assumptions used to forecast future traffic volumes so that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in §408.3.C.2.a. in terms of locations and times (daily and peak hours).
 - b. Volume/capacity analyses at critical locations. Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.
 - c. Levels of service at critical points. Based on the results obtained in the previous section, determine levels of service (A through F).
4. Trip Generation. Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.
5. Trip Distribution. Identify the direction of approach for site-generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated so that the Township can replicate these results.
6. Traffic Assignment. Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes will then be combined with anticipated traffic volumes from §408.3.C.3 to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
7. Analysis of Future Conditions With Development. This section describes the adequacy

of the roadway system to accommodate future traffic, with development of the site.

- a. Daily and peak hour(s) traffic volumes. Provide mainline and turning movement volumes for the highway network in the study area, as well as for driveways and internal circulation roadways for the appropriate time periods.
 - b. Volume/capacity analyses at critical points. Perform a volume/capacity analysis for the appropriate peak hours for future conditions, with the site developed as proposed, similar to §408.C.2.b. and 408.C.3.b.
 - c. Levels of service at critical points. As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.
 - d. Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.
8. Recommended Improvements. In the event that the analysis indicates that unsatisfactory levels of service will occur on study-area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service cannot be attained. These proposals would not include committed projects by the state and local jurisdictions that were described in §408.3.C.1 and reflected in the analysis contained in §408.3.C.2 and 408.3.C.3.
- a. Proposed recommended improvements. Describe the location, nature, and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.
 - b. Volume/capacity analyses at critical points. Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.
 - c. Levels of service at critical points. As a result of the revised volume/capacity analysis presented in the previous section, present estimated levels of service for the highway system with improvements.
9. Conclusion. The last section of the report should be a clear, concise description of the study findings. This concluding section should serve as an executive summary.
- D. Contribution in Lieu of Preparation of Studies. If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study.
1. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number and type of dwelling units to be

constructed, for the purpose of determining the monetary contribution in lieu of preparation of studies.

2. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
3. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review, inspection and other fees or charges imposed by the Township and/or any Authority, and all sums otherwise agreed to be paid by the applicant.
4. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be reviewed by the Township Solicitor and be approved by the Board.
5. All contributions in lieu of preparations of studies shall be paid prior to approval of the final plan by the Board.
6. All developments receiving a modification of preparation of a traffic study and report in accordance with this section shall provide, as a minimum, the information required in §408.3.C.4.

Section 408.4 Wetlands Study

- A. The applicant shall submit a wetland study with the submission of all subdivision and land development plans. The purpose of the study shall be to determine the presence and extent of wetlands on the site.
- B. The study shall be performed by a qualified wetland scientist. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners, and geologists are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. The Township reserves the right, in as much as no recognized certification program exists for wetland scientists, to determine the qualification of those preparing wetland delineations. Should a state or federal wetland scientist certification program be established, the Township will consider a qualified wetland scientist to be the only individuals certified to perform delineations.
- C. For sites on which no wetlands occur, an abbreviated report may be submitted. The abbreviated report should contain the results and discussion and conclusions information as required by §408.4.D.2 of this Ordinance. Site location, NWI, and soil maps shall be provided.

D. Requirements for Wetlands Studies:

1. Delineations should follow the procedures outlined in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments.
2. Delineations shall be supported by reports. The reports shall contain the following sections:
 - a. Introduction. Description of the physical features of the site, its location, and the proposed plans for the site.
 - b. Methods. Description of the methods used for the survey, with particular emphasis on any deviation from the outlined federal method. Relevant information includes the date of the field studies, the number of transects and plots used, the size of vegetation quadrants employed, the size of soil pits used, taxonomic references used, and the disposition of any voucher specimens.
 - c. Results and Discussion. Description of the findings of the study. Soils vegetation, and hydrology for wetland and upland areas of the site should be discussed. Any problem areas should be thoroughly treated.
 - d. Conclusions. Discussion of the wetlands on the site, analyzing the impact of the proposed project on these wetlands.

E. Included in the report as appendices or tables are:

1. Site location map (USGS 7.5' quadrangle will suffice).
2. NWI map.
3. Soil survey map with soil descriptions.
4. Data sheets for each plot.
5. Wetland boundary map. Wetland boundaries shall be surveyed by a registered professional surveyor and shown on a plan of appropriate scale. The limits of the wetland study shall be clearly shown. The plan shall also show the location of all plots and/or transects used in the study, the date of the delineation, a statement of the method used for the study, the name of the consulting firm which performed the delineation, the name of the surveyor, and a disclaimer statement indicating no wetland boundary is considered jurisdictional until approved by DEP and COE.
6. Color photos of wetlands areas on the site, with locations and directions of view keyed to the wetland boundary map.
7. Resumes of the wetland scientist(s) who performed the delineation.

- F. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states that state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note

shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.

- G. Compensatory mitigation projects required as part of state or federal permits shall be shown on the subdivision plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property that includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the state and federal governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long-term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified to the Township.
- H. The Township reserves the right to reject any submitted wetland delineations. Should the Township believe the actual wetland area differs from that shown on the subdivision plan, the Township has the right to secure, at the developer's expense, qualified personnel to check the delineation and redraw the boundary as necessary. Should the developer subsequently disagree with the Township's delineation, a jurisdictional delineation by DEP and COE will be requested. Any charges for the jurisdictional delineation will be the responsibility of the developer.
- I. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of five (5) feet outside the delineated boundary, prior to any construction or issuance of building permits. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

ARTICLE V

IMPROVEMENT CONSTRUCTION ASSURANCES

Section 501 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval

- A. No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water management facilities, or other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance, except that the surface course of streets shall not be completed until such time as ninety (90) percent of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses.
- B. In lieu of the construction and completion of the improvements required by this Ordinance as a condition for final plan approval, the developer may deposit with the Township as applicable, a letter of credit, or other financial security authorized by the Municipalities Planning Code and acceptable to the Board in an amount equal to one hundred ten (110) percent of the estimated cost of the required improvements at a time ninety (90) days following the date scheduled for completion of the respective improvements by the developer.
- C. The amount of financial security required by the Township shall be based upon an estimate of the cost of the improvements, submitted by a 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 estimated cost of the surface course shall be computed separately from the estimated cost of completing the other improvements and shall be based upon the developer's projected timetable for completion of the development. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the 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 Township and the developer.
- D. The Supervisors have the authority to determine the sufficiency of the developer's cost estimate in consideration of the Township's potential liability under the Pennsylvania Prevailing Wage Act, Act of 1961, P.L. 987, No. 442, as amended.
- E. Annually, the Township may adjust the amount of required financial security by re-determining the estimated cost for completion of the uncompleted improvements as of the

expiration of the ninetieth (90th) day after either the date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to insure that the financial security equals one hundred ten (110) percent of the estimated cost of the Township of completing the improvements at a time ninety (90) days following the date scheduled for completion or, alternatively, may reduce the required security so that it equals such amount. Any additional security shall be posted by the developer within thirty (30) days after being notified of the same.

- F. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing and addressed to the Board and the Board shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, to the Board that such portion of the work has been completed in accordance with the approved plan. Upon such certification, the Board shall authorize release from the required financial security of an amount as estimated by the Township Engineer as representing the value of the work completed.
- G. The value of the work completed shall be determined by subtracting one hundred ten (110) percent of the estimated cost of the completion of the remaining uncompleted work from the total amount of security deposited.
- H. At such time as ninety (90) percent of the lots in the subdivision have been improved as set forth above, or if at the expiration of the time agreed to by the applicant and the Board for completion of all improvements excepting the surface course, less than ninety (90) percent of the lots have been so improved, the Township may notify the developer to complete the surface course within sixty (60) days from the date of such notice. In computing the sixty (60) day requirement, the period from October 1 to April 1 shall not be counted.
- I. If at the time the surface course is completed, ninety (90) percent of the lots are not improved as set forth above, the developer shall post with the Township financial security in an amount equal to fifteen (15) percent of the reasonable cost as determined taking into consideration the Township's potential liability as outlined in Sect 501.D, of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. The Township shall hold such financial security and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements. The financial security shall be in a form acceptable to the Township.

Section 502 Release from Financial Security

- A. When the developer has completed all of the improvements as shown on the final plans, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. All requests shall include as-built plans as specified in §508 and of any other improvements to be dedicated to the Township and of all streets, whether or not such streets shall be dedicated.
- B. The Board shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements at applicant's expense. The Township Engineer shall thereupon file a report, in writing, with the Board 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 Township Engineer of the aforesaid authorization from the Board, 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 Township Engineer, said report shall contain a statement of the reasons for such non-approval or rejection. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this Ordinance, and all other applicable ordinances, statutes, and regulations.
- C. The Board shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of its action with relation thereto. If the Board or Township Engineer fails to comply with the time limitation provisions contained herein, or such time limitations as contained in the Municipalities Planning Code, whichever requirements shall contain a longer time period for action by the Township, all improvements will be deemed to have been approved and the developer's posted financial security shall be released.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board, 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 proceedings or otherwise any determination of the Board or Township Engineer.

Section 503 Remedies to Effect Completion of Improvements

In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Board may enforce any letter of

credit or other financial security by appropriate legal and equitable remedies. If proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board may, at its option, install such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All the proceeds, after deducting the costs of collection, whether resulting from the financial security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

Section 504 Inspection During Construction

The Township shall inspect the improvements during construction. The developer shall pay the cost of any such inspection in accordance with the provisions of Article V of the Municipalities Planning Code. The developer shall provide at least twenty-four (24) hours notice prior to the start of construction of any improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least forty-eight (48) hours in advance of the inspection time and date.

It is generally required that the following phases of site construction have mandatory inspection. This general list of phases may be amended by mutual written agreement of the Township and developer when the site requires special construction procedures. The inspection schedule must be recorded with the final plan or shown on the approved improvement construction plan.

A. General Site Construction

1. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary erosion and sedimentation control devices.
2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
3. During the construction of permanent storm water management and Best Management Practices (BMP) facilities.
4. Upon the final completion of permanent storm water management and BMP facilities, including the establishment of ground covers and plantings.
5. After review of the as-built drawings, required by §508, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

B. Street Construction

1. Preparation of Road Subgrade. At the time of this inspection, the subgrade must be proof rolled and the proposed crown and grade will be checked. It is recommended that a

developer's/contractor's representative accompany the inspector when the crown and grade are checked. Proof rolling must be performed with a fully loaded, tandem-axle dump truck.

2. Placement and Compaction of Road Subbase. At the time of this inspection, the depth of subbase must be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade, and the crown and grade will be checked again. This inspection must occur prior to any binder or base course being placed.
 3. Placement and Compaction of the Binder/Base Course. At the time of this inspection, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload be obtained. The crown and grade will also be checked again. This inspection must occur prior to the wearing course being placed.
 4. Placement and Compaction of the Wearing Course. At the time of this inspection, the guidelines for the placement and compaction of the binder/base course should be followed.
- C. In addition to the above outlined inspections, additional inspections will be made at the request of the developer for reduction of financial securities. Random observations may be made at the frequency desired by the municipality. At the time of any of the above listed inspections, all ongoing construction (i.e., storm drainage, sanitary sewer, water, erosion control, etc.) may also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee be submitted to coincide with the above inspections.

Section 505 Offers of Dedication

- A. Any offer to dedicate any street or portion thereof shall be made on forms provided by the Township, along with all required supporting documentation and required fees. Offers for dedication may be submitted to the Township at any time during the calendar year; however, the Township will not formally act upon any offer of dedication prior to April 15 or later than September 1 of any calendar year.
- B. The offer to dedicate streets, parks, or other areas, or portions of them, does not impose any duty upon the Township concerning maintenance or improvement until the Township has accepted the dedication by ordinance.
- C. Where the Township accepts dedication of all or some of the required improvements following completion, the Township may 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 plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall

be of the same type as otherwise required in §501 of this Ordinance with regard to installation of such improvements and the amount of such financial security shall not exceed fifteen (15) percent of the actual cost of the installation of the said improvements.

- D. Where the Township accepts dedication of some or all of the required improvements, the Township may require the posting of financial security in accordance with its rules and regulations and applicable law.

Section 506 Effect of Plan Recording on Dedication and Reservations

Recording of the final plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

- A. Dedicate all streets and other public ways to public use, unless such streets are indicated on said plan as private streets.
- B. Dedicate all neighborhood parks and all areas shown on the plan as being local recreation sites to public use.

Section 507 Maintenance of Streets

The developer shall maintain all streets in the subdivision or development in travelable condition, including the prompt removal of snow therefrom, until such time as the streets are accepted by the Township as part of the Township highway system; or, until a homeowners' association or other entity responsible for the maintenance of the streets has been formed.

Section 508 As-Built Plan

Prior to the final release of the financial security, the developer shall provide the Township with one (1) Mylar and two (2) black-on-white or blue-on-white paper prints of the final as-built plan showing the following:

- A. Actual location of all concrete monuments set at angle breaks, points of curvature, and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs marking individual lot lines.
- C. Each actual cul-de-sac radius.
- D. Actual horizontal and vertical location of cartway centerline in addition to right-of-way

centerline.

- E. Actual location of floodplain by elevation and dimension from property line.
- F. Actual locations and cross sections of swales and accompanying easements.
- G. Actual horizontal and vertical locations of storm water management facilities, including type and size of storm drainage pipes.
- H. Detention basins:
 - 1. Actual contours of the detention basin.
 - 2. Actual outlet structure details, including types, sizes, and inverts of outlet pipes.
 - 3. Actual elevation of the embankment and emergency spillway.
 - 4. A table showing the stage/storage/discharge curve for the constructed conditions.
 - 5. A table providing a comparison of the approved design and the as-built discharge rates from all detention facilities.

ARTICLE VI

DESIGN STANDARDS

Section 601 General

The standards and requirements contained in this Article shall apply as minimum design standards for subdivision and/or land developments in the Township.

Section 602 Streets

Section 602.1 General Design Standards

- A. Proposed streets shall conform to such township, county, and state street and highway plans as have been prepared, adopted, and/or filed as prescribed by law.
- B. New streets shall be connected with streets of similar function, to form continuations thereof.
- C. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project.
- D. Local streets shall be laid out to discourage use by through traffic.
- E. A rigid, rectangular street pattern need not be adhered to; curvilinear streets may be allowed when they will result in a more desirable layout.
- F. Where a development abuts an existing or proposed major street, the Board may require the use of marginal access streets, reverse frontage lots, or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major streets, and separate local from through traffic.
- G. If the lots resulting from the original subdivision are large enough to permit re-subdivision, or if a portion of the parent tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.
- H. Streets shall be laid out to provide convenient and safe access to the property.
- I. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage, and suitable building sites.
- J. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill slopes associated with the construction of the streets, within or beyond the limits of the street right-of-way, shall not exceed a maximum of a 3:1 slope.

- K. The design speed and proposed speed limits for new streets shall be noted on the plan and shall be approved by the Township.
- L. 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 cartway and shall be equivalent to the minimum building setback line but in no case less than thirty (30) 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.
- M. Permanent concrete monuments shall be accurately placed to monument the right-of-way line along at least one (1) side of each street at the beginning and end of all curves and at all angles. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
 - 1. Monuments shall be of concrete, with a flat top having a minimum width or diameter of four (4) inches and a minimum depth of thirty (30) inches. Cast-in-place or pre-cast concrete monuments shall be marked with center punch mark in a three-quarter (3/4) inch copper or brass dowel.
 - 2. All existing and proposed monuments shall be delineated on the final plan.
 - 3. All monuments shall be placed by an engineer or surveyor, so that the scored or marked point shall coincide exactly with the point of intersection of the lines being marked.
 - 4. All monuments shall be inscribed with a proper inscription indicating the name of the surveyor responsible for the survey.

Section 602.2 Private Streets

- A. All proposed streets shall be offered for dedication. The Township may accept or reject the dedication of any private street at its sole discretion.
- B. Where a modification of this Section is granted by the Township, all private streets shall conform to the following requirements:
 - 1. Private streets shall meet all the design standards for public streets as required by this Ordinance.
 - 2. Applications that propose a private street shall include an agreement, in a form acceptable to the Township, which shall be recorded with the Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and

shall stipulate:

- a. That the street shall be constructed and maintained to conform to the provisions of this Ordinance.
- b. The method of assessing maintenance and repair costs.
- c. That an offer for dedication of the street shall be made only for the street as a whole.
- d. That the owners of the abutting lots will include with any offer of dedication sufficient funds, as estimated by the Township, to restore the street to the prevailing standards.
- e. That an agreement by the owners of fifty-one (51) percent of the front footage thereon shall be binding on the owners of the remaining lots.

Section 602.3 Street Names, Street Addresses, and Traffic Signs

- A. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets.
- B. Street names shall not be repeated within the Township and all street names shall be subject to the approval of the Township and of the Fulton County Planning Office.
- C. Street name signs shall be provided and installed by the developer at all intersections and shall identify both intersecting streets, and their design shall be approved by the Township.
- D. Street Address plans shall be prepared by the developer and submitted to the Township prior to the Township accepting dedication of any streets, or prior to the final reduction in the project's financial guarantee.
- E. Regulatory signs shall be provided and installed by the developer at all locations identified by a traffic engineering study prepared by the developer and in accordance with PennDOT Publication 201, Engineering Traffic Studies, as amended.
- F. Traffic signs shall be approved by the Township and shall be supplied and installed by the developer in accordance with Township regulations; PennDOT Publication 68, Official Traffic Devices; and the MUTCD, Manual on Uniform Traffic Control Devices, FHWA, as amended.
- G. All traffic signs shall be installed by the developer prior to the occupancy of any units within the project.

Section 602.4 Guide Rail

- A. Streets shall be designed to preclude or minimize the need for guide rails. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated by Part 2 “Highway Design” of the PennDOT Design Manual January 1990 edition, as amended.
- B. The design and selection of guide rail shall generally be in accordance with the standards set forth in Part 2 “Highway Design” of the PennDOT Design Manual, January 1990 edition, as amended; however, the Township shall approve all guide rail systems.

Section 602.5 Reconstruction of Existing Streets

- A. The developer shall reconstruct all existing streets at the perimeter of and/or within the development according to Township or PennDOT specifications:
 - 1. If an existing street lies at the perimeter of the development, the developer shall reconstruct it to the centerline of the street; and,
 - 2. If an existing street lies through the development, the developer shall reconstruct it to the full width of the street as required by Township or PennDOT specifications and design standards.
- B. Where a temporary cul-de-sac is being extended, the developer shall remove the bulb and shall reconstruct the street to Township street specifications, any existing sidewalk shall be extended through the area, and the remaining areas shall be re-graded and seeded.
- C. When the proposed development requires construction within an existing street right-of-way, such as sewer, water, or storm water lines, the Township may require the developer to construct a new wearing course along the entire frontage and/or disturbed area. The extent of the new wearing course shall be approved by the Township.
- D. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
- E. If a subdivision or land development abuts an existing Township and/or State street which has a right-of-way width of less than the required right-of-way width set forth in §602.7, the developer shall dedicate to the Township or Commonwealth, as applicable, that amount of land necessary so that the distance from the centerline of the street to the edge of the right-of-way abutting the proposed development is one-half the ultimate right-of-way as set forth in §602.7.

Section 602.6 Construction Standards

- A. All streets shall be constructed, and all existing streets shall be reconstructed, in accordance with the applicable Township regulations and the following standards:

Street Classification	Base Course	Paved Surface
Arterial and Collector Streets	5" 3A Crushed Aggregate and 4" BCBC	3" ID-2 Binder 1½" ID-2 Wearing
Local Streets	10" 3A Crushed Aggregate	4" ID-2 Binder 1½" ID-2 Wearing
Alley	6" 3A Crushed Aggregate	1½" ID-2 Binder 1½" ID-2 Wearing

- B. All crushed aggregate base material shall be put in place by a powered spreader.

Section 602.7 Right-of-Way and Cartway Widths and Construction Standards

The minimum street rights-of-way and cartway widths for new streets shall be as follows:

Street Classification	Minimum Cartway Width	Minimum Right-of-Way Width
Arterial Street (Highway)	As determined after discussion with the Township, PennDOT, and the Fulton County Planning Commission, however the minimums shall be as follows:	
	Forty (40) feet	Sixty (60) feet
Collector Street	Thirty-eight (38) feet	Fifty (50) feet
Local Street with parking on two (2) sides of street	Thirty-six (36) feet	Fifty (50) feet
Local Street with parking on one (1) side of street	Twenty-eight (28) feet	Fifty (50) feet

Cul-de-sac Bulb	Eighty (80) foot diameter	One hundred (100) foot diameter
Alley, no parking	Twelve (12) feet	Twenty (20) feet (easement)

Section 602.8 Horizontal Alignment

- A. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.
- B. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
- C. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear sight triangles within the adjacent properties. Written permission from the affected adjacent landowner shall be provided prior to preliminary plan approval.
- D. There shall be a tangent of at least one hundred (100) feet between reverse curves for all local and collector streets.
- E. Horizontal curve centerline radii shall be designed in coordination with vertical geometry, subject to the approval of the Township Engineer. The minimum acceptable centerline radii shall be three hundred (300) feet for arterial and collector streets and one hundred fifty (150) feet for local residential streets

Section 602.9 Vertical Alignment

- A. Vertical curves shall be used in at all changes of grade.
- B. The minimum vertical grade for all streets shall be one (1) percent; the maximum vertical grade shall be ten (10) percent.
- C. The minimum length of vertical curves for all streets shall be seventy-five (75) feet.
- D. At street intersections, the through street shall be approached by side streets in accordance with the following standards; where the grade of the side street exceeds four (4) percent, there shall be an area on the side street within which the grade shall not exceed four (4) percent for a minimum distance of one hundred (100) feet (measured from the intersection of the centerlines of the streets).
- E. No side street shall intersect a through street when the through street exceeds seven (7) percent in grade.

- F. Notwithstanding the above minimum length of vertical curve, the actual lengths of vertical curves shall be based on the formula $L = KA$; where “L” is the minimum length of curve in feet, “K” is the length of vertical curve per percent change in “A”, and “A” is the algebraic difference in grade (in percent). Values for “K” shall be based on the following criteria:

Design Speed (in miles per hour)	“K” Crest Vertical Curves	“K” Sag Vertical Curves
20	10	20
25	20	30
30	30	40
35	45	50
40	70	70
45	100	90
50	150	110
55	220	130

Section 602.10 Intersections

- A. Intersections involving the junction of more than two (2) streets are prohibited.
- B. Right angle intersections shall be used.
- C. All streets intersecting a state highway shall be subject to the approval of PennDOT.
- D. A one-hundred (100) foot clear sight triangle shall be provided and maintained at all intersections.
1. Clear sight triangles shall be indicated on all plans.
 2. No building, structure, landscaping, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- E. The distance between the centerlines of adjacent streets intersecting through streets shall be determined by the classification of the through street being intersected. The minimum separation distance shall be measured along the centerline of the through street being intersected and shall conform to the following:

Through Street Classification	Minimum Intersection Separation Distance
Arterial	800 feet
Collector	500 feet
Local	200 feet

F. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius as follows:

1. Arterial streets - fifty-five (55) feet.
2. Collector streets - fifty (50) feet.
3. Local streets or alleys - thirty-five (35) feet
4. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.
5. The Township may require larger radii based on the largest design vehicle using the intersection.

G. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.

1. The required and available safe stopping sight distance shall be included on the plans for all existing and proposed intersections.
2. Street intersections shall be located at points that provides optimal sight distance in both directions.
3. Sight distances at street intersections shall provide the following minimum stopping distances for vehicles traveling on approaching streets which have no stop-sign or -signal control:

a. Calculation of Safe Stopping Sight Distance.

- 1) For each intersection, the available sight distance in each direction shall equal or exceed the stopping sight distance computed from the following formula:

$$SSSD = (1.47 * V * t) + ((V^{**2}) / (30 * (f + G)))$$

Where:

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of driver (2.5 seconds).

f = Wet friction of pavement (0.30).

G = percent grade of roadway divided by 100.

- 2) If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used to determine stopping distance.
- 3) A Minimum Safe Stopping Sight Distance table that specifies minimum safe stopping sight distance for selected speeds is provided in the Appendix. The sight distances in the table apply for roadway grades in whole numbers from +10% to -10% along with speeds from five (5) to sixty-five (65) miles per hour in increments of five (5) miles per hour. The developer may use this table in lieu of the above formula.

b. Measurement of Sight Distance.

- 1) The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the developer.
- 2) For the purpose of measuring available sight distance, the height of the driver's eyes shall be 3.5 feet above the road surface, and the height of the object shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.
- 3) For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:
 - a. The maximum length of roadway along which a driver at the proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point of access shall be ten (10) feet back from the near edge of the closest travel lane in the center of the intersection land.
 - b. The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.
 - c. The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left turning vehicle stops.

- c. Inadequate Sight Distance Remedies. If it is impossible to achieve required safe stopping sight distance in both directions the Township may:
 - 1) Prohibit left turns by entering or exiting vehicles;
 - 2) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the developer;
 - 3) Require removal of physical obstruction from the line of sight, at the expense of the developer;
 - 4) Require installation of a separate left turn standby lane; or,
 - 5) Deny access to the roadway.

Section 602.11 Curbing

- A. Curbs or alternative structures approved by the Township shall be required along all proposed streets in subdivisions; along all proposed streets, access drives, and all interior landscaping and traffic control islands within parking compounds in land developments; and along all existing streets in and abutting both subdivisions and land developments. The developer shall submit the location and grade of all curbs to the Township for consideration.
- B. Curbs shall be constructed and installed in accordance with the specifications in this Ordinance or any other Ordinance enacted by the Board setting requirements for the construction of roads, curbs, and sidewalks or, in lieu of such standards, in accordance with the standards of PennDOT Publication 408/90, as amended.
- C. Standard vertical curb shall be required along all state highways and along all Township streets that the Township has classified as an arterial or collector street, and where vertical curbs exist. Standard slant curb shall be permitted along all other streets.

Section 602.12 Sidewalks

- A. The Township shall require installation of sidewalks in any subdivisions and land developments, as provided herein.
 - 1. Sidewalks are required to provide access to and/or within a commercial, industrial, or community facility.
 - 2. Sidewalks that are provided as part of such non-residential facilities shall be designed and constructed to service the projected pedestrian needs.
 - 3. All public areas shall be designed barrier-free in accordance with applicable federal and state standards, including, but not limited to, the Americans with Disabilities Act.

4. Appropriate details shall be provided on the plans.
- B. Sidewalks shall be installed on both sides of all streets in residential and non-residential subdivisions and land developments, as herein specified.
- C. Sidewalks shall be located, if possible, within the street right-of-way line and shall be a minimum of four (4) feet in width.
- D. Pedestrian easements shall be provided where a sidewalk is not located entirely within the street right-of-way.
- E. Sidewalks shall be constructed of Class A cement concrete four (4) inches thick, containing steel mesh of six by six by fourteen (6 x 6 x 14) inch gauge, upon a properly prepared subgrade as follows:
 1. Four (4) inches of AASHTO #57 crushed stone shall be properly compacted using a mechanical tamper.
 2. Upon the crushed stone, the sidewalks shall be constructed by pouring concrete in separate slabs a maximum of thirty (30) feet in length.
 3. The slabs shall be completely separated by one-quarter (1/4) inch expansion joints and scored every five (5) feet.
- F. A (minimum) two (2) foot-wide grass planting strip shall be provided between the back of the curb and the sidewalk.
- G. All utility services and mains shall be extended to the building side of the sidewalk.

Section 602.13 Street Lighting

All subdivision or land development plans that propose new streets shall provide street lighting in accordance with the following:

- A. Lighting shall be provided at a minimum average of one-half (1/2) foot candles at an elevation of three (3) feet above the surface.
- B. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises.
- C. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
- D. All lighting plans shall be delineated on the plan and shall include photometrics.
- E. Appropriate footer and mounting details shall be included on the plans.
- F. Light fixture and pole styles shall be approved by the Township.

Section 602.14 Cul-de-sacs and Dead-End Streets

- A. A cul-de-sac shall not be permitted when a through street is feasible.
 - 1. The feasibility of a through street will be based on the following:
 - a. Physical features of the tract proposed for development;
 - b. The potential for extension of the street to adjoining lands;
 - c. Restrictions imposed by other government regulations; and,
 - d. The ability of the design to meet all other requirements of this Ordinance.
 - 2. When cul-de-sacs are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible.
 - 3. Approval of cul-de-sacs shall be at the sole discretion of the Township.
- B. Where any adjacent stub street is not proposed for extension as a through street, the developer shall construct a cul-de-sac in compliance with Township standards.
- C. Permanent cul-de-sacs shall be designed as follows:
 - 1. Minimum length: two hundred fifty (250) feet;
 - 2. Maximum length: six hundred (600) feet;
 - 3. The length of the cul-de-sac shall be measured from the centerline intersection of the intersecting street to the center of the cul-de-sac turn-around;
 - 4. Permanent cul-de-sacs must be provided with a paved turn-around having a minimum diameter of eighty (80) feet to the face of the curb or the edge of the paving and of one hundred (100) feet to the street right-of-way;
 - 5. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width; and,
 - 6. Drainage of cul-de-sacs shall preferably be toward the open end. If drainage is toward the closed end, water shall be conveyed away in an underground storm sewer or by other means approved by the Township. The minimum grade on cul-de-sacs shall be designed to ensure a minimum of one (1) percent along the curb line to the designed low points. The maximum grade on cul-de-sacs shall not exceed four (4) percent.
- D. Temporary cul-de-sacs shall be designed as follows:
 - 1. Minimum length: two hundred fifty (250) feet;

2. Maximum Length: eight hundred (800) feet in length;
3. Temporary cul-de-sacs shall be designed to the same cartway width and drainage criteria as required for permanent cul-de-sacs; and,
4. Temporary easements shall be provided for the affected adjoining properties until such time that the street is extended.

E. Dead-end streets are prohibited unless designed as cul-de-sacs.

1. The Township may waive the requirements of providing a turn-around for streets which are planned for future extension into adjoining tracts, subject to the following requirements:
 - a. The street will be no longer than the depth of one (1) lot; and,
 - b. The street will not be the primary means of access to any lot or dwelling unit.
2. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities shall be installed by the developer.
3. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of a dead-end street by the developer. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, "Standards for Roadway Construction, RC-63," as amended.

Section 602.15 Alleys

A. Alleys shall have the following characteristics:

1. A property that utilizes an alley shall maintain frontage along a public or private street.
2. No part of any structure shall be located within eight (8) feet of the edge of the cartway of an alley.
3. The cartway of all alleys shall be constructed in accordance with the specifications of this Ordinance.
4. The vertical and horizontal alignments of alleys shall be in accordance with the local street specifications of this Ordinance.
5. Alleys and their intersections shall be constructed in accordance with the local street specifications of this Ordinance.

B. Alleys which form a cul-de-sac shall be designed as follows:

1. The alley shall not exceed four hundred (400) feet in length, measured from the centerline intersection of a street that is not a cul-de-sac; and,

2. Alley cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turn-around designed in accordance with one of the following methods:
 - a. The turn-around for residential purposes shall be designed in accordance with one of the following methods:
 - 1) A circle with an eighty (80) foot paved diameter.
 - 2) A T-shaped turn-around with a twelve (12) foot width, the flared portions to be rounded at minimum radii of twenty (20) feet, as shown on the detail in the Appendix.
 - b. The turn-around for commercial and industrial uses shall be a cul-de-sac designed to accommodate the turning movements of a WB-50 truck.
- C. Alleys offered for dedication will not be accepted by the Township.
- D. Applicants proposing alleys within a development may request that the Township reduce the width requirements of the local streets proposed within the development. The request shall be in the form of a modification request and shall be accompanied by adequate justification.
- E. Applications that propose an alley shall include a written agreement, that is acceptable to the Township, which shall be recorded with the Recorder of Deeds prior to the final plan approval. The written agreement shall establish the conditions under which the alley will be constructed and maintained and shall stipulate:
 1. That the alley shall be constructed and maintained to conform to the provisions of this Ordinance; and,
 2. The method of assessing maintenance and repair costs.
 - a. If an alley is limited to the common use of two (2) properties, the applicant shall provide for the maintenance of such alley;
 - b. If an alley is to be used by more than two (2) properties, the applicant shall provide for private maintenance by the formation of a homeowners' association or by setting forth the maintenance responsibilities in easements and in the deeds to the lots which have the right to use the alley. If a homeowners' association is formed, a document setting forth the maintenance responsibilities of such association and the right of such association to assess lots within the development shall be recorded at the same time as the final plan is recorded. All such documents shall be subject to Township approval; and,
 - c. All persons who shall purchase a lot abutting or having the right to use an alley shall be given a copy of the final plan, and, if a homeowners' association has been formed, shall be given a copy of all documents relating to the maintenance responsibilities of such homeowners' association.

- F. The final plan, for recordation with the Recorder of Deeds, shall include a plan note which identifies the following:
1. The specific alleys.
 2. The recorded maintenance agreement.
 3. Notification that the alleys do not qualify for dedication to the Township, and
 4. Notification that the Township will not assume any responsibility for their maintenance.

Section 603 Access Drives

Section 603.1 General Standards

- A. The cartway of all access drives shall be constructed in accordance with the collector-street specifications of this Ordinance.
- B. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

Number of Lanes	Cartway Width
Three (3) lanes	Thirty-six (36) feet
Two (2) lanes	Twenty-four (24) feet
One (1) lane	Twelve (12) feet

- C. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight (8) feet.
- D. The same vertical and horizontal alignment standards shall be required for access drives that are required for local streets in this Ordinance.
- E. The same intersection standards shall be required for access drives that are required for local streets in this Ordinance.
- F. Access drives shall be located a minimum of fifteen (15) feet from side or rear property lines.
- G. Access drives shall be provided with an unobstructed green area (setback) that is parallel to, and along the entire length of the access drive.
1. The width of the green area shall be measured from the face of curb and be a minimum of fifteen (15) feet in width.
 2. The green area may be utilized for storm water management facilities, utilities, lighting,

landscaping, and other compatible uses. In no case shall any building or structure be located within the required green area.

- H. Access drives which terminate in a cul-de-sac shall not exceed one thousand six hundred (1,600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area.

Section 603.2 Access Drive Lighting

Any subdivision or land development plan that proposes an access drive shall provide access drive (street) lighting in accordance with §602.13.

Section 603.3 Emergency Access Requirements

- A. All subdivisions or land developments containing fifty (50) or more dwelling units, or non-residential buildings or buildings containing twenty-five thousand (25,000) or greater square feet of gross floor area shall be provided with at least two (2) separate and distinct means of access to the subdivision or land development.
 - 1. Access may be provided through two (2) or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction.
 - 2. Access for a land development may be provided through two (2) or more driveways into the land development. Such driveways shall be separated by a distance of at least one hundred fifty (150) feet and shall comply with all requirements of this Ordinance.
- B. If the applicant is unable to provide access to the subdivision or land development through two (2) or more public or private streets each of which intersect with an existing public street or through two (2) or more access drives which intersect with one (1) or more existing public streets, then an emergency access shall be provided.
 - 1. The emergency access shall be improved so that emergency vehicles may safely traverse it, and its location shall be indicated on the plans.
 - 2. The emergency access shall be acceptable to the providers of emergency services within the Township. Applicants proposing to provide an emergency access shall submit evidence of such approval.
 - 3. The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with an existing public street.
 - 4. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a break chain. Applicants with plans indicating

emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.

Section 604 Driveways

- A. One driveway, with a minimum width of ten (10) feet and maximum width of twenty-five (25) feet, shall be located on each lot.
- B. Driveways shall be located as to provide minimum safe stopping-sight distance at intersections with streets and shall not be located within any required clear sight triangle, in accordance with §602.10.D.
- C. All driveways, unless specifically prohibited by the design criteria within this Ordinance shall include an off-street turn-around area; the design of a driveway shall not force vehicles to exit the driveway by backing onto a street.
- D. Driveways shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance, and drainage of the street.
- E. Driveway locations shall be shown on all plans.

Section 605 Vehicular Parking Facilities

- A. Parking compound dimensions shall be no less than those listed in the Appendix.
- B. No portion of a parking compound will be permitted within ten (10) feet of side or rear property lines or street rights-of-way.
- C. Not less than five (5) foot radius of curvature shall be permitted for each horizontal curve in parking areas.
- D. All dead-end parking lots shall be designed to provide sufficient back-up areas for all end stalls.
- E. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary, to direct traffic circulation.
- F. Parking areas, main entrances, and exits which are open to the public shall be lighted to the following standards:
 - 1. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface.
 - 2. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way.

3. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
 4. All lighting plans shall be delineated on the plan and shall include photometrics.
 5. Appropriate footer and mounting details shall be included on the plans.
- G. All parking compounds and access drives shall be paved to meet the following minimum standards:
1. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in PennDOT Specifications, Form 408, and its latest revisions.
 2. A bituminous surface consisting of a minimum of one and one-half (1-1/2) inches of ID-2 binder course and one (1) inch ID-2 wearing course. Material shall be equal or superior to PennDOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.
 3. Truck areas may require a heavier pavement section.

Section 606 Blocks

- A. The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing man-made features, and the proposed type of structure.
- B. Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation.
- C. Lots with areas that are two (2) or more times the minimum requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision.
- D. Block length in a residential subdivision shall not exceed one thousand five hundred (1,500) feet.
- E. Blocks in non-residential areas may vary from the above requirement for residential blocks when required by the nature of the use. Adequate provisions shall be made for off-street parking, loading areas, and traffic circulation.

Section 607 Lot and Parcel Configuration

Section 607.1 General Design Standards

- A. Lots for single family detached dwellings, including mobile homes, shall have a minimum area of one acre and a minimum width, measured at the building line and at the front lot line, of 150 feet.
- B. Whenever practical, side lot lines shall be radial to street lines.

- C. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of each municipality shall apply.
- D. All lots shall front on an approved public or private street and shall maintain a minimum lot width as required by this Ordinance at the building setback line and at the street right-of-way.
- E. Double frontage residential lots are prohibited, except where provided as reverse frontage lots.
 - 1. Reverse frontage lots are only permitted when a reduction of driveway intersections along a street with a high volume of vehicular movements is desired.
 - 2. All reverse frontage lots shall include an identification of the frontage for use as a road access.
 - 3. Reverse frontage lots shall, within each rear yard and immediately adjacent to the street right-of-way, have a planted buffer at least ten (10) feet in width, across which there shall be no vehicular access.
 - a. Buffer areas shall include a suitable and uninterrupted evergreen planting of a minimum height of thirty-six (36) inches designed to reach sufficient height and density to give maximum screening.
 - b. Such screening shall be permanently maintained and replaced where necessary to present an attractive appearance.
 - 4. Reverse frontage lots shall be approved at the sole discretion of the Township.
- F. All remnants of land (areas of the parent tract remaining after subdivision) shall conform to the lot area and configuration requirements of this Ordinance.
- G. Metallic markers shall be set at all points where existing or proposed lot lines intersect with any street right-of-way line, with curves, with other property lines, or with any other right-of-way or easement.
 - 1. Metallic markers shall consist of solid steel bars at least thirty (30) inches long and not less than one-half (1/2) inch in diameter. Alternative methods of marking lot corners will be at the discretion of the Township Engineer.
 - 2. All existing and proposed markers shall be delineated on the final plan.
 - 3. All markers shall be placed by a registered engineer or surveyor, so that the scored or marked point shall coincide exactly with the point of intersection of the lines being marked.

Section 607.2 Flag Lots

- A. Flag lots shall not be created when lots can be designed that directly access a public or private street.
- B. The Board, at its sole discretion, may approve the plotting of a limited number of flag lots, provided that:
 - 1. The “flagpole” or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once; and,
 - 2. The Board may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

Section 607.3 Specific Building Setback Requirements

- A. The minimum building setbacks shall be as follows:
 - 1. Front: 75 feet from the centerline of the road
 - 2. Rear: 25 feet
 - 3. Side: 25 feet
- B. Accessory structures shall be placed in the side or rear yards with a minimum set-back of 25 feet.
- C. On any lot abutting a railroad or railroad right-of-way, no dwelling shall be placed within twenty-five (25) feet of any portion of the railroad right-of-way.
- D. On any lot abutting or traversed by a high voltage transmission line, no dwelling shall be placed within twenty-five (25) feet of any portion of the right-of-way.

Section 608 Easements

Section 608.1 General Standards: Sewer, Water, Electric, Cable, Telephone, Gas, and Others

- A. Easements for sanitary sewer facilities, storm water drainage facilities, public utilities, or pedestrian access shall meet the following standards:
 - 1. To the fullest extent possible, easements shall be adjacent to property lines.
 - 2. Nothing shall be placed, planted, set, or put within the area of an easement that would

adversely affect the function of the easement or conflict with the easement agreement.

- a. This requirement shall be noted on the final plan.
 - b. This requirement shall be included in all deeds for lots that contain an easement.
3. Pedestrian easements shall have a minimum width of six (6) feet.
 4. Utility easements shall have a minimum width of thirty (30) feet, and all utility companies are encouraged to use common easements.
 5. To the fullest extent possible, all utilities shall be placed underground.

Section 608.2 Storm Water Easements

- A. The applicant shall reserve easements where storm water or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property.
- B. Storm water easements shall have a minimum width of twenty (20) feet.
- C. Storm water easements shall be adequately designed to provide for the following:
 1. The collection and discharge of water;
 2. The maintenance, repair, and reconstruction of the drainage facilities and the passage of machinery for such work; and,
 3. The easements shall clearly identify who has the right-of-access and responsibility of maintenance.
 - a. This requirement shall be noted on the final plan.
 - b. This requirement shall be included in all deeds for lots that contain an easement.
- D. Where a subdivision or land development is adjacent to or traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow from a one hundred (100) year design rainfall

Section 608.3 Petroleum, Electrical, and Communication Transmission Lines

- A. Where any petroleum product, electrical, or communication transmission line traverses a subdivision or land development, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such transmission line.

- B. The Township will require, with the final plan application, a letter from the owner of the transmission line stating any conditions on the use of the tract which shall contain the above.

Section 608.4 Multi-family Units

- A. When a subdivision proposes multi-family attached dwellings, such as townhouses, the plans shall include access easements to allow all lot owners access to front and rear yards, as for maintenance and non-licensed vehicles as follows:
 - 1. Along the front and rear property lines of all units;
 - 2. The side property lines of the end units;
 - 3. The access easement shall have a minimum width of six (6) feet; and,
 - 4. This requirement shall be noted on the final plan and shall be included in all deeds for lots that contain the easement.

Section 609 Landscaping and Miscellaneous Site Requirements

Section 609.1 Commercial and Industrial Landscaping

- A. A completely planted visual barrier or vegetative screen, designed to reach a density acceptable to the Board within five (5) years, shall be provided between any commercial or industrial use and any contiguous properties which are used for residential purposes.
 - 1. The width of the area containing the vegetative screen shall be a minimum of twenty (20) feet.
 - 2. The Board may waive the screening requirements where, in the sole opinion of the Board, the developer has demonstrated that an adequate natural or man-made physical barrier exists that would provide similar or better results.
- B. Any portion of the commercial or industrial tract which is not used for buildings, structures, parking, etc. shall be planted or landscaped in accordance with an overall plan to be approved by the Board and the Township Engineer.
- C. The perimeter of all commercial and industrial parking areas and all mechanical equipment that is not enclosed shall be screened.

Section 609.2 Residential Landscaping

- A. A landscape barrier designed in accordance with the requirements of §609.1.A shall be provided between residential projects that propose a density that is different from existing

adjoining residential uses.

- B. Any portion of any major sub-division residential tract which is not used for buildings, structures, parking, etc. shall be planted or landscaped in accordance with section 405.2.J.

Section 609.3 Fencing

- A. The Board may permit the use of fencing, in lieu of screen plantings under the following conditions:
 - 1. The fencing material shall be approved by the Board.
 - 2. The fencing shall be installed along the tract boundary within a ten (10) foot easement located on the developed property but shall not be placed on the property line without written consent of adjoining property owner(s), and shall be permanently maintained by the property owner.
 - 3. Notation indicating maintenance responsibilities shall be placed on the final plan and included in all deeds for lots that contain the easement.

Section 609.4 Existing Wooded Areas

- A. Existing wooded areas shall be protected to prevent unnecessary destruction.
- B. At least fifty (50) percent of the number of trees within any wooded area that exist at the time of plan submission shall be maintained or replaced immediately following construction.
- C. Replacement trees shall have a minimum trunk diameter of two (2) inches at a height of six (6) inches above finished grade and may be located within unbuildable sections of the site (i.e., steeper-sloped and setback areas).

Section 609.5 Street Trees

- A. Street trees shall be required by the Board, in compliance with the following standards:
 - 1. The trees shall be nursery-grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Board.
 - 2. All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - 3. The diameter of the trunk, measured at a height of six (6) inches above finished grade, shall be a minimum of two (2) inches.
 - 4. Trees shall be planted between the street right-of-way line and the building setback line,

except where the Board has authorized placement of trees within the street right-of-way. Tree growth shall not interfere with the cartway, sidewalks, or utility lines.

5. All planting shall be performed in conformance with good nursery and landscape practice, including proper guying and staking.
6. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ6O, 1-1973, as amended.
7. One (1) street tree shall be provided for each building containing one (1) or two (2) dwelling units, and two (2) trees shall be provided for buildings containing three (3) or more dwelling units.
8. A minimum of one (1) street tree shall be provided for each residential lot, and spaced not less than forty (40) feet nor more than sixty (60) feet apart along the entire length of each existing or proposed street. In commercial and industrial lots, street trees shall be provided with each land development plan and spaced not less than forty (40) feet nor more than sixty (60) feet apart along each street frontage.
9. Street trees shall be selected from the following species:

Acer rubrum cultivars	Red Maple
Aesculus x cornea	Red Horsechestnut
Cladrastus lutea	American Yellowwood
Fraxinus Pennsylvanica cultivars	Green Ash
Ginkgo biloba (males only)	Ginkgo
Gleditsia triacanthos inermis Cultivars	Thornless Honey Locust
Liquidambar styraciflua	Sweet gum
Nyssa sylvatica	Black Tupelo
Quercus acutissima	Sawtooth Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Sophora japonica	Japanese Pagoda Tree
Tilia cordata	Littleleaf Linden

Tilia x euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Zelkova serrata cultivar	Japanese Zelkova
Pyrus calleryana var. Redspire	Redspire Pear

Section 609.6 Refuse Collection Stations

- A. Outdoor refuse collection stations shall be provided for garbage and trash removal, when individual collection is not made and indoor storage is not provided.
- B. Refuse collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive , but at the same time be convenient for both collectors and residents and shall be screened and landscaped adequately.
- C. Refuse collection stations shall be so constructed as to prevent the escape of refuse by wind, water, or other natural elements and prevent animals from entering.

Section 610 Storm Water Management and Floodplain Controls

All storm water management, collection, and conveyance devices, erosion control structures and floodplain modifications shall be built in accordance with the following provisions:

Section 610.1 General Requirements

Prior to the final approval of any subdivision or land development plan, or the commencement of any development within the jurisdiction of this Ordinance, the developer shall submit a Storm Water Management Plan to the Board for approval.

- A. When plan applications, whether preliminary or final, are submitted in sections, a generalized Storm Water Management Plan for the entire project site shall be submitted in addition to the detailed Storm Water Management Plan for the proposed section. This generalized plan shall demonstrate how storm water management in the proposed section will be coordinated with stormwater management in the entire development. The amount and velocity at the discharge points of the section shall be included in the data submitted. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted plans.
- B. The types, locations, and extents of all erosion and sedimentation control measures shall be shown on an erosion and sedimentation control plan that conforms to the requirements of the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection and the Design Standards of §610.6 of this Ordinance.

- C. A written report shall be submitted that includes the following information:
1. Storm water runoff calculations, for both pre-development and post-development conditions.
 2. An erosion and sedimentation control plan narrative that conforms to the requirements of the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection as amended and provides a description of all erosion and sedimentation control measures, temporary as well as permanent, including the staging of earth moving activities, sufficient in detail to clearly indicate their function.
 3. An ownership and maintenance program, in recordable form, that clearly sets forth the ownership and maintenance responsibilities of each of the temporary and permanent storm water management facilities and erosion and sedimentation control facilities, including:
 - a. Description of temporary and permanent maintenance requirements;
 - b. Identification of a responsible individual, corporation, association, or other entity for ownership and maintenance of each of the temporary and permanent storm water management and erosion facilities and of sedimentation control facilities;
 - c. Establishment of suitable easements for access to all facilities
- D. The intent of these regulations is to encourage private ownership and maintenance of storm water management facilities and of erosion and sedimentation control facilities. Where the Board accepts dedication of storm water management facilities, the Board may require the developer to establish, at the time of dedication, a maintenance fund, in an amount determined by the Board, adequate for the perpetual care of such facilities, including detention basins;
1. For all proposed detention basins and retention basins, except temporary sedimentation basins, the documentation shall include a plotting or tabulation of storage volumes with corresponding water surface elevations and the outflow rates for those water surfaces; and,
 2. For all proposed detention basins and retention basins, except temporary sediment basins, documentation shall set forth the design hydrograph and shall specify either the shortcut routing method or a method of equal accuracy acceptable to the Township Engineer which was utilized to determine the function of the basin.

Section 610.2 Design Standards: Storm Water Management

- A. Where applicable, storm water management facilities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations, as amended, of the Pennsylvania Department of Environmental Protection.
- B. Storm water management facilities that involve a State Highway shall also obtain the

approval from the Pennsylvania Department of Transportation.

- C. Storm water management facilities located within or affecting the floodplain of any watercourse shall comply with the requirements of the flood plain regulations provided in this Ordinance and of any future ordinances regulating construction or development within areas of the Township subject to flooding, that are effective as of the application date of the subdivision plan .
- D. Storm water discharge points onto an adjacent property shall comply with the following:
 - 1. Storm water runoff from a project site shall flow directly into a natural watercourse or into an existing storm sewer system. If neither of these is available, the applicant shall obtain an easement from the downstream landowner(s) to allow runoff from the site to reach a natural watercourse or an existing storm sewer system through the easement. If an easement is obtained, post-development flow characteristics must be similar to or better than the runoff characteristics (spread, velocity, and peak rate) of the pre-development flows. The easement from the downstream property owner(s) shall allow for a piped storm sewer system, an overland flow system, or a combination of the two. The downstream system design shall conform to the design requirements of this ordinance.
 - 2. When the applicant provides verification that the downstream landowner(s) refuses to grant an easement, the site shall be designed such that the discharge from the applicant's site shall be as sheet flow. For all design-year storms, including the 100-year storm, runoff from the applicant's site shall flow onto the adjacent property in a manner similar to the runoff characteristics (spread, velocity, and peak rate) of the pre-development flow. The use of level spreaders is discouraged.
 - 3. Storm water runoff shall not be transferred from one watershed to another unless the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property, or unless both of the following apply: 1) the effect of the transfer does not alter the peak discharge onto adjacent lands, and 2) drainage easements from the affected landowners are provided.
- E. Unless an alternate design is submitted to the Township for review, and said design is prepared by a licensed (in the Commonwealth of Pennsylvania) geologist or geotechnical engineer:
 - 1. No storm water facilities shall be placed in, over, or immediately adjacent to the following features:
 - a. Known sinkholes
 - b. Closed depressions
 - c. Lineaments (in areas of carbonate bedrock)
 - d. Fracture traces

- e. Known caverns
 - f. Intermittent Streams
 - g. Ephemeral streams
 - h. Known bedrock pinnacles (surface or subsurface)
2. The minimum isolation distance from storm water management basins to the listed geologic features shall be as follows:
 - a. One hundred (100) feet from the rims of sinkholes or closed depressions;
 - b. One hundred (100) feet from disappearing streams;
 - c. Fifty (50) feet from lineaments or fracture traces;
 - d. Twenty-five (25) feet from surface or identified subsurface pinnacles.
 3. Storm water runoff from any subdivision or land development shall not be discharged into sinkholes.
- F. All storm water runoff flowing over the project site shall be considered in the design of the storm water management facilities.
- G. The calculated peak rates of post-development runoff for storm water originating on the project site, for all watersheds flowing from the project site, shall not exceed the peak rates of runoff prior to development for all design storms (2, 5, 10, 25, 50, and 100 year storms).
- H. Innovative methods for the detention and control of storm water runoff may be used when approved by the Board. Various combinations of methods should be tailored to suit the particular requirements of the type of development and the topographic features of the project site. The following is a partial listing of detention and control methods which can be utilized in storm water management systems, where appropriate:
1. Detention basins and retention basins;
 2. Roof-top storage;
 3. Parking lot ponding;
 4. Seepage pits, seepage trenches, or other infiltration structures;
 5. Concrete lattice-block surfaces;
 6. Grassed channels and vegetated strips;
 7. Cisterns and underground reservoirs;
 8. Routed flow over grass; and,
 9. Decreased impervious surface coverage.

10. Green roofs

Section 610.3 Design Standards: Calculating Runoff

A. The methods of computation used to determine peak discharge and runoff shall be:

1. The Soil-Cover-Complex Method (as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55 of the Soil Conservation Service [SCS]) shall be used for all detention facilities with tributary areas of sixty (60) acres or more.
2. The Rational Method shall be used for all:
 - a. Collection Facilities;
 - b. Conveyance Facilities;
 - c. Detention Facilities with tributary areas of less than sixty (60) acres.
3. Any other method approved by the Township Engineer.
4. If the Soil-Cover-Complex (SCS) Method is used, storm water runoff shall be calculated assuming the following 24-hour storm events:

Storm Frequency (years)	Rainfall (inches)
2	3.1
5	4.1
10	5.0
25	5.5
50	6.2
100	7.0

5. If the SCS Method is used, an antecedent moisture content of “1” shall be assumed for the pre-development condition.
6. If the Rational Method is used, the Rainfall Intensity–Duration–Frequency Chart shown in the Appendix shall be used to compute the rainfall intensity in inches-per-hour.
7. Runoff Co-efficients C and Curve Numbers CN shall be based on the charts contained in the Appendix.
8. For the purpose of calculating peak discharges, all agricultural lands that contribute storm

drainage to or receive storm drainage from the project site shall be considered to be cultivated lands with conservation measures in good hydrologic condition.

9. Design of on-site conveyance systems calculations may use the Rational Method of $Q = CIA$, where “Q” is the peak discharge of the watershed in cubic feet per second, “C” is the coefficient of runoff, “I” is the intensity of rainfall in inches per hour, and “A” is the area of the watershed in acres; or any other method approved by the Township.
10. Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and the grades, sizes, and capacities of water carrying structures, sediment basins, retention structures, and detention structures, and sufficient design information to construct such facilities. Runoff calculations shall also indicate both pre-development and post-development rates for peak discharge of storm water runoff from the project site.
11. Flow calculations for water carrying structures shall be presented in tabular form, using the flow tabulation form provided in the Appendix (or equal).
12. Permanent detention basins shall be designed with a primary outlet discharge that is less than or equal to the requirements for post-development peak rate of runoff established by §610.2.G of this Ordinance.
13. Runoff calculations will also be made to insure that the discharge from the upstream watershed area can be accommodated by the pipes, drainage easements, watercourses, etc. on the site.

Section 610.4 Design Standards: Water Carrying Facilities

- A. All storm sewer pipes, grass waterways, open channels, swales, and other water carrying facilities that service drainage areas within the site shall be designed to convey the twenty-five (25) year storm event unless, in the opinion of the Township or Township Engineer, the character of development and potential for damage warrant designing for the 50- or 100-year storm.
- B. Storm water management facilities that convey off-site water through the site shall be designed to convey the fifty (50) year storm.
- C. All developments shall include provisions that allow for the overland conveyance of run-off from the post-development one hundred (100) year storm without damage to public or private property.
- D. All storm sewer pipes, culverts, manholes, inlets, endwalls and endsections shall be constructed in accordance with Pennsylvania Department of Transportation Form 408, as amended.
- E. Storm sewer pipes, culverts, manholes, inlets, endwalls, and endsections proposed for dedication or located along streets shall conform to the requirements of the Pennsylvania Department of Transportation, Bureau of Design, Standards for Roadway Construction,

Publication No. 72, in effect at the time the design is submitted, as modified by the Township.

- F. Storm sewer pipes and culverts shall be of reinforced concrete pipe (RCP) or of smooth lined corrugated polyethylene (SLCPP), shall have a minimum diameter of eighteen (18) inches, and shall be installed on a sufficient slope to provide a minimum velocity of three (3) feet per second when flowing full.
- G. All storm sewer pipe shall be laid to a minimum depth of one (1) foot from subgrade to the crown of pipe.
- H. Endwalls and endsections shall be used where storm water runoff enters or leaves the storm sewer horizontally from a natural or manmade channel.
- I. Inlets shall be placed on both sides of the street at low spots, at a maximum of six hundred (600) feet apart along a storm sewer pipe, at points of abrupt changes in the horizontal or vertical directions of storm sewers, and at points where the flow in gutters exceeds three (3) inches in depth. Inlets shall normally be along the curb line, at or beyond the curb radius points. For the purpose of inlet location at corners, the depth of flow shall be considered for each gutter. At intersections, the depth of flow across the through streets shall not exceed one (1) inch. Inlets shall be depressed two (2) inches below the grade of the road-side swale, curb line, or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to collect surface runoff.
- J. Storm water roof drains and pipes, shall wherever possible, discharge water into a storm water runoff dispersion or infiltration control device and not into storm sewers or street gutters.
- K. All existing and natural watercourses, channels, drainage systems, and areas of surface water concentration shall be maintained in their existing condition, unless an alteration is approved by the Board.
- L. The discharge from storm sewers shall be controlled so as not to cause erosion of the receiving channel.
- M. Energy dissipaters shall be placed at the outlets of all storm sewer pipes where flow velocities exceed maximum permitted channel velocities.
- N. The capacities of grassed waterways shall be computed from the Manning Equation. Permissible open channel velocities and design standards shall be in accordance with good engineering practice, as documented in the Engineering Field Manual for Conservation Practices of the Soil Conservation Design or in Charts for Open-Channel Flow, Hydraulic Design Series No. 3 of the U.S. Department of Transportation.
- O. Grassed waterways may be utilized in place of conduit piping in those areas where soil conditions allow recharge of groundwater. All newly installed grassed waterways must be covered with well-established sod of good quality or matted with an approved stabilizing

material. The usage of grassed waterways is not recommended in areas of year-round or seasonally high ground water table, unless provisions are made to handle long duration flows, for example by means of subsurface drainage of stone centered waterways.

1. The shape of the waterway shall permit hydraulic efficiency and ease of maintenance. Allowable velocities within the waterway shall be limited to those values that would not cause erosion of the soil or cover material. Vegetation or durable materials shall be established on all channels where design velocities exceed the maximum values for base earth channels. Permanent channels should be designed using grass or other suitable material.
2. The following information should be utilized in constructing channels large and level enough that flows in them do not exceed maximum permissible velocities. The maximum permissible velocity selected shall be the lowest value from §610.4.O.2.a and 610.4.O.2.b, which follow:
 - a. Guidelines for maximum permissible velocities relevant to individual site conditions:
 - 1) 3.0 feet per second where only sparse vegetation can be established and maintained because of shade or soil conditions.
 - 2) 3.0 - 4.0 feet per second should be used under normal conditions, where the vegetation is to be established by seeding.
 - 3) 4.0 - 5.0 feet per second should be used only in areas where a dense vigorous sod is obtained quickly or where water can be diverted out of the waterway during establishment of vegetation. (Use where netting and mulch or other special methods of establishing vegetation are used).
 - 4) 5.0 - 6.0 feet per second may be used on well-established sod of good quality (use where establishment of vegetation is by sodding or water is introduced to a previously sodded channel).
 - b. Soil characteristics, design velocities, and the level of desired maintenance should be considered in determining seed mixtures and methods of establishment of vegetation. Soils information for various soil types is contained in the “Fulton County Soil Survey.” Maximum permissible velocities in feet per second based on vegetation, slope of waterway, and soil erodibility are as follows:

Channel Grade (percent)	0-5 %	5-10 %	Greater than 10 %
*Seeding with Kentucky Blue Grass, Tall Fescue, Smooth Brome Grass or a mixture of Tall Fescue and Birdsfoot Trefoil (mow occasionally)			
k less than 0.37	5 fps	4 fps	**3 fps

k = 0.70 or greater	6 fps	6 fps	5 fps
*Seeding with Red Fescue or similar lawn mixtures (mow frequently)			
k less than 0.37	2.5 fps	Not recommended on slopes over 5%	
k = 0.70 or greater	3.5 fps	Not recommended on slopes over 5%	
* Redtop is recommended for use as a companion seeding			
** Recommended only with special engineering consideration			
“k” is the erosion factor found in Table 16 of the May 1985 “Soil Survey of Fulton County, Pennsylvania.”			
Refer to the Penn State Agronomy Guide, Erosion Control and Conservation Plantings for additional seed mixtures and rates of applications.			

c. Velocities for other channels are as follows:

Channel Lining	Maximum Permissible Velocity (feet/second)
6” rip-rap	4
9” rip-rap	8
Durable Bedrock	8
Asphalt	7
12” rip-rap	9
Concrete or Steel	12

Section 610.5 Design Standards: Detention and Retention Basins

A. All basins shall be structurally sound and shall be constructed of sound and durable materials. The completed structure and the foundation of all basins shall be stable under all probable conditions of operation. The basin shall be capable of discharging the peak flow of a post-development 100-year storm through its emergency spillway, in a situation where the

primary outlet(s) is blocked, without damaging the integrity of the facility or the downstream drainage areas.

- B. The effect on downstream areas if the basin embankment should fail shall be considered in the design of all basins. The basin shall, where possible, be designed to minimize the potential damage caused by such failure of the embankment.
- C. All detention basins shall include an outlet structure of sufficient capacity to permit full and complete draining of the basin within twenty-four (24) hours.
- D. All outlet structures and emergency spillways shall include a satisfactory means of dissipating the energy of flow at its outlet to assure conveyance of flow without endangering the safety and integrity of the basin and the downstream drainage area.
- E. A cutoff trench of relatively impervious clay material shall be provided within all basin embankments, except for those embankments with side-slope ratios of three (3) horizontal to one (1) vertical, or flatter. Embankments with flatter side slopes shall have a key trench.
- F. All culverts through basin embankments shall have properly spaced concrete cutoff collars or welded anti-seep collars.
- G. A minimum one (1) foot freeboard above the design elevation of the water surface at the emergency spillway shall be provided.
- H. No outlet structure from a detention basin or swale shall discharge directly onto any publicly used Township, State, or private road, but shall discharge into a culvert under or along the road.
- I. The minimum top width of dams up to ten (10) feet in height shall be equal to two-thirds ($2/3$) of the dam height, but in no case shall the top width be less than five (5) feet.

Section 610.6 Design Standards: Erosion and Sediment Control

- A. All earthmoving activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall, at a minimum, meet the standards of the Fulton County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
- B. The Erosion and Sedimentation Control Plan shall be submitted to the Fulton County Conservation District for its review and approval.
- C. Approval of an Erosion and Sedimentation Control Plan by the Board shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth.

- D. The following principles shall be applied to the design plan and construction schedule, to minimize soil erosion and sedimentation.
1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner that will minimize soil erosion.
 2. Whenever feasible, natural vegetation shall be retained and protected.
 3. The extent of the disturbed area and the duration of its exposure shall be kept to a minimum, within practical limits.
 4. Temporary seeding, mulching, or other suitable stabilization measures shall be used to protect exposed critical areas during construction.
 5. Drainage provisions shall accommodate storm water runoff both during and after construction.
 6. Soil erosion and sedimentation facilities shall be installed prior to any on-site grading.

Section 610.7 Maintenance of Storm Water Management Facilities

- A. Maintenance is an essential part of the successful functioning of a storm water management system.
- B. Maintenance during development of a project shall be the responsibility of the developer and/or landowner and shall usually include, but not be limited to:
1. Removal of silt from all debris basins, traps, or other structures or measures when 60% of the capacity is filled with silt;
 2. Periodic maintenance of temporary control facilities, such as replacement of straw bale dikes, straw filters, or similar measures;
 3. Establishment or re-establishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established;
 4. Installation of necessary controls to correct unforeseen problems caused by storms within design frequencies; and,
 5. The contractor or developer shall be responsible for removal of all temporary measures and installation of permanent measures upon completion of the project.
- C. Maintenance of the project after completion:
1. The applicant or his agent shall demonstrate that any facilities intended to be installed on an individual lot or group of lots can be adequately maintained by the homeowner(s) and/or lot owner(s).
 2. It is the purpose of this Ordinance that Thompson Township shall not become responsible for maintenance and supervision of developed areas. Such responsibility falls upon the party responsible for land development, who shall remain personally responsible for

those areas of the development which are subject to the requirements of this Ordinance. This responsibility may be retained, or it may be assigned to third parties, as is deemed most acceptable to the party responsible for land development. In the event that any portion of the land development would, but for the existence of areas requiring maintenance subject to this Ordinance, be dedicated to the Board, the contractor or developer may make application to the Board for acceptance by the Board of such portions of the land, maintenance and responsibility for such areas shall fall upon the Board.

3. It is the intent of this Ordinance that the purposes of the Ordinance shall be carried out through the exercise of responsibility by private parties, and, therefore, it is anticipated that control plans shall be developed with the view towards projects which can effectively be contained within the tracts to be owned and maintained by private parties. To foster this purpose, with respect to portions or parts of a project as shown on a plan of a developer or contractor, which portions will not otherwise become part of Township property, such portions shall become the responsibility of the individual property owners on whose property such portions of a project lie, including but not limited to retention ponds, detention ponds, sediment basins, energy dissipaters, or and grassed water-ways. Parties, including contractors and developers, conveying property in a development to another party, which property contains any portions of a Storm Water Management Plan, after that plan has been established, shall include a specific deed reference to such Grantee's responsibility for the maintenance and care of the portions of such project as are included within said Grantee's conveyed property. The deed reference to such portions shall be in the form of a deed restriction imposing responsibilities upon said property owner for the maintenance of the portions of the project within the boundary lines of said property, as may be necessary for proper maintenance of the project in accordance with the terms of this Ordinance. Such maintenance shall include the following:
 - a. Liming and fertilizing vegetated channels and other areas according to specifications in the DEP "Erosion and Sediment Pollution Control Program Manual," as amended.
 - b. Re-establishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not been successfully established. Selection of seed mixtures shall be acceptable to the Township.
 - c. Mowing as necessary to maintain adequate stands of grass and to control weeds. Chemical weed control may be used if state and local regulations are met.
 - d. Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in grass waterways and thus reducing their capacity.
 - e. Repair of structural damage or deterioration of any kind, including the repair and maintenance of sinkholes and/or similar failures whether naturally occurring or created by human action.

- f. Regular inspection of the areas in question to assure proper maintenance and care.
4. The deed restrictions hereinabove mentioned shall also include notice that in the event the individual property owners should fail to comply with the terms of this Ordinance for the maintenance and care of the land in question, the Township shall have the authority to carry out those duties hereby imposed upon individual property owners. The Township may, after giving notice to an individual property owner that he is not properly maintaining the areas subject to this Ordinance, and by making demand that such compliance shall be made within thirty (30) days, enter upon said private property and take such actions as may be required to bring the area into compliance with this Ordinance. The property owner shall be responsible for reimbursing the Township for any and all costs incurred by the Township in its actions required to bring the area into compliance with this Ordinance. Should the property owner fail to reimburse the Township, the Township shall further have the right to file a municipal lien against such property for the cost of maintenance work carried out under this section. The Township shall in addition to the filing of a municipal lien, have any other remedies provided by law against any property owner who should fail to comply with the terms of this Ordinance.
5. Where the Township accepts dedication of all or some of the required storm water management facilities following completion, the Township may require the posting of financial security to secure structural integrity of said facilities as well as the functioning of said facilities in accordance with the design and specifications as depicted on the approved storm water management plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be the same type as required with regard to installation of such facilities, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said facilities.

Section 610.8 Ownership and Maintenance

- A. Prior to granting of final approval by the Township of a plan, the applicant shall either (1) satisfactorily establish that the permanent facilities are part of a portion of ground to be dedicated to the Township for reasons other than the maintenance of land subject to this Ordinance, or (2) present to the Township a copy of restrictions with an affidavit stating that such restrictions shall be added to the deed of conveyance to each Grantee to whom property of the development is to be conveyed.
- B. When permanent Storm Water Management Facilities and ownership to these facilities are dedicated to and accepted by the Township, it shall be the Township's responsibility to maintain these facilities.
- C. The Township shall have the right, in addition to those provisions above set forth, to require the applicant, owner, or developer to post a bond with the Township prior to the time of approval of the plan in order to assure the faithful performance of the requirements of this

Ordinance in the course of completing the land development.

Section 610.9 Modification of Facilities

A modification which involves a change in storm water management control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved plan, shall require the submission of a revised plan by the developer in accordance with the plan requirements as set forth in Article III of this Ordinance.

Section 610.10 Floodplains

A. Purpose and Intent

1. The Floodplain includes the areas of Thompson Township that are subject to periodic inundation by floodwaters. This inundation may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety, and welfare, the Floodplain regulations are designed and intended to protect floodplain areas subject to an necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Thompson Township as provided for in the all relevant Comprehensive Plans, and to guide incompatible development into more appropriate Areas. All available data will be used to make the best decisions for Thompson Township citizens.
3. In advancing these principles and the general purposes of all relevant Comprehensive Plans, the specific intent of this area includes the following:
 - a. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
 - b. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
 - c. To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
 - d. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closing,

disruptions of transportation routes, and interference with utility services, as well as other factors that result from loss of wages, sales, and production, and generally affect the economic well-being of the community.

- e. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as to prevent the creation of future flood-blighted areas on floodplains.
- f. To permit certain uses which can appropriately be located in the floodplain as herein defined, without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
- g. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife, and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- h. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities, so as to safely carry abnormal flows of storm water during periods of heavy precipitation.
- i. To encourage the utilization of appropriate construction practices that will minimize flood damage in the future.
- j. To prevent the placement of materials which might be swept by floods onto other lands or downstream, to the injury of the persons or property of others.
- k. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- l. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- m. To provide areas for the deposition of sediment.
- n. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Lands in Area Defined

1. The “Floodplain” is hereby defined and established as those areas of the Township subject to flooding, as defined hereafter. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain.

- a. Those areas subject to inundation by the waters of the one hundred (100) year flood, as delineated in the Flood Insurance Study for the Township of Thompson, Fulton County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated December 13, 1974. Said floodplain shall consist of three (3) subdistricts, as follows:
 - 1) Floodway – That portion of the Floodplain required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point more than one (1) foot above the existing conditions;
 - 2) Floodway Fringe – That portion of the Floodplain subject to inundation by the one hundred (100) year flood lying beyond the floodway in areas where a detailed study data and profiles are available; and
 - 3) Approximated Floodplain – That portion of the Floodplain subject to inundation by the one hundred (100) year flood where a detailed study and profiles have not been performed, but where a one hundred (100) year floodplain boundary has been approximated.
 - b. In those areas delineated as approximated floodplain, the one hundred (100) year elevation shall be determined by using other existing sources of data, such as that provided by the U. S. Army Corps of Engineers, U. S. Geological Survey, or other similar sources. In lieu of this, the applicant may apply for a permit to determine the one hundred (100) year flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania. Copies of such study shall be submitted to the Township Engineer for review.
 - c. The area adjoining any water or drainage course or body of water subject to periodic flooding or overflow, having soils that are or may include alluvial soils as defined by the U.S. Department of Agriculture, Soil Conservation Service Soil Survey of Fulton County Pennsylvania, March, 2004
2. Studies used to establish the Floodplain boundaries shall be available for reference in the Township office.
 3. All changes to the boundaries of the Floodplain, as defined by the Flood Insurance Study, are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.
- C. Should a dispute arise concerning any boundary of the Floodplain, the initial determination of the Township’s authorized representatives may be appealed to the Board.
- D. The Floodplain shall be deemed an overlay on any Area now or hereafter applicable to any lot.
1. Should the Floodplain be declared inapplicable to any tract by reason of (1) an

amendment of this Ordinance, or (2) any court of competent jurisdiction so interpreting the said inapplicability; and

2. Should any tract or part thereof where the Floodplain is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Floodplain, unless such change was included as part of the original application.
- E. The following uses are permitted only if performed under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; and all other applicable provisions of this Ordinance, and any other applicable Ordinance(s):
1. Agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than concentrated agricultural operations, and excluding any grading or filling which would cause any increase in flood heights or frequency.
 2. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
 3. Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
 4. Open space and front, side, or rear yards required by this or any other Township Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this section, as set forth in this Ordinance, together with the requirements of any other pertinent Township Ordinance, is complied with; if such compliance cannot be shown, the land areas within the Floodplain shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements.
 5. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Fulton County Conservation District, and subject to the provisions of this Ordinance.
 6. Fences as recommended by the Fulton County Conservation District.
 7. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
 8. Farm ponds that are constructed in accordance with a Conservation Plan reviewed by the Fulton County Conservation District and which do not create any increase in flood heights or frequency, and subject to the provisions of this Ordinance.
 9. Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures. Such structures shall follow the documentation of licensed

engineers.

- F. The following uses are permitted in Floodplains only when approved by the Board, following a public hearing pursuant to public notice, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Ordinance:
1. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of this Ordinance, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 2. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the Floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the Floodplain, to allow positive control during flood emergencies.
 - b. Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilo-volts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - 1) Above ground lines and supporting structures shall enter the Floodplain only to cross a watercourse, shall cross the watercourse and the Floodplain using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - 2) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet (10') above the maximum flood elevation.

- 3) Supporting structures for above ground lines within the Floodplain shall be the minimum number necessary to carry the lines across the Floodplain. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - 4) Facilities and services in the Floodplain shall be designed so that flood damage within the Area does not disrupt service outside the Area.
3. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
 4. Culverts, bridges, and approaches to private culverts and bridges that meet all the following conditions:
 - a. Review and/or approval by the Fulton County Planning Commission, if required.
 - b. Approval by the Susquehanna River Basin Commission, if required.
 - c. Approval by the Pennsylvania Department of Environmental Protection, if required.
 - d. Approval by the United States Army Corps of Engineers, if required.
 - e. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
 - f. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT for public or private streets.
 - g. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

G. The following uses are prohibited in the Floodplain:

1. All structures, with the exception of those specifically allowed in of this section.
2. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
3. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in this Ordinance; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
4. Removal of topsoil, excluding sod production and nursery activities as allowed in this section, and excluding such grading necessary to accomplish and carry out those uses which are permitted in this section; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
5. Damming or relocation of any watercourse, except as provided for in this section.

6. Any parts of new on-site sewage disposal systems.
7. Swimming pools.
8. New fences, except new fences approved by the Fulton County Conservation.
9. Stockpiling, storage, or disposal of buoyant materials during sub-division construction, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
10. Cemeteries for humans or animals.
11. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (DEP's Hazardous Waste Management Regulations);
12. Mobile home parks.
13. Hospitals, nursing homes, and jails.
14. Feedlots.
15. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
16. The flood proofing of new residential structures, as an exception from the elevation requirement.
17. Any development, structure, or use that may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
 - a. Endanger human life.
 - b. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
 - c. Increase the surface elevations of floods or the frequency of floods.
 - d. Catch or collect debris carried by floodwaters.
 - e. Be placed where the natural flow of the stream or floodwaters would carry it

downstream to the damage or detriment of persons or property within or adjacent to the Floodplain.

- f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g. Increase the rate of local runoff, erosion, or sedimentation.
- h. Degrade the quality of surface water or the quality or quantity of ground water.
- i. Be susceptible to flotation and subsequent movement that would cause damage to other persons or property.
- j. Not be in harmony with the intent and purpose of this section, as set forth in §610.10.A of this section.

H. Nonconforming Uses and Structures in the Floodplain

1. All uses or structures lawfully existing in the Floodplain on the effective date of this section which are not in conformity with the provisions of this section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Thompson Township health, sanitary, or safety code regulation, or ordinance specifications which are necessary solely to assure safe living conditions.
2. Nonconforming uses or structures that have been discontinued or vacated for twelve consecutive months shall be considered abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired, or re-occupied. The Board may require the removal of any abandoned, nonconforming use or structure, upon prior notice to the owner of the property on which an abandoned, nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Board shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. A nonconforming structure located within the floodway shall not be expanded or enlarged if any increase in the one hundred (100) year flood elevation would result.
4. Repair, Reconstruction or Improvement
 - a. A nonconforming structure may be repaired, reconstructed, or improved if it is damaged or destroyed by any means, including floods, to an extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. Repair, reconstruction, or improvement to an extent of fifty percent (50%) or more of the fair market value of the structure shall constitute a substantial improvement and shall be prohibited.

- b. The Township shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities deem necessary to assist in arriving at a fair and impartial determination.
5. The Board of Supervisors shall have the right to waive, as a special exception, any of the requirements of this section for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks.

I. Design and Performance Standards

1. Unless otherwise specified in this section, the standards and criteria included in this section are to be used, together with the provisions of all other sections and all other Ordinances in force in Thompson Township, by the Township in the administration of this section.
 - a. No permitted use or use allowed by special exception shall be permitted within the floodway, if the proposed use or development would cause any increase in the one hundred (100) year flood elevation;
 - b. Prior to any proposed alteration or relocation of any water course, a permit shall be obtained from the DEP Bureau of Dam Safety, Obstructions and Storm Water Management, and notification of any such proposal shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development;
 - c. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties;
 - d. All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters; and,
 - e. All utilities, such as gas lines, electrical lines, and telephone systems, shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.
2. No modification shall be granted for any use, structure or development within the floodway if any increase in the one hundred (100) year flood elevation would result;
3. In addition to the standards generally applicable to modifications, modifications shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the modification would result in exceptional hardship to the applicant, and (3) a determination that the granting of a modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other

applicable laws, ordinances or regulations;

4. Modifications shall only be granted upon determination that the modification is the minimum necessary to afford relief, considering the flood hazard. If it should become necessary to grant any modification, the applicant shall be required to comply with all the applicable requirements of the National Flood Insurance Program requirements (60.3a and b) as amended, including the requirements for flood proofing, anchoring, and elevation. The applicant must also comply with any other requirements considered necessary by Thompson Township;
5. Whenever a modification is granted, the Board shall notify the applicant in writing that:
 - a. The granting of the modification may result in increased premium rates for flood insurance, if construction occurs below the one hundred (100) year flood elevation; and,
 - b. Such modification may increase the risk to life and property.
6. In granting a special exception or modification, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood; and,
7. A complete record of all modification requests and actions, including justifications for granted modifications, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.
8. New Structures
 - a. All authorized new residential structures (limited to nonconforming structures in accordance with this Ordinance) shall have the lowest floor (including basement) elevated to one foot above the one hundred (100) year flood elevation;
 - b. All authorized new nonresidential structures (limited to nonconforming structures in accordance with this Ordinance) shall have the lowest floor (including basement) elevated to one foot above the one hundred (100) year flood elevation, or, together with attendant utility and sanitary facilities, be flood proofed to that level in accordance with W-1 or W-2 standards, as contained in the publication Flood-Proofing Regulations, U.S. Army Corps of Engineers, June 1972 as amended; and,
 - c. All structures, including buildings, air ducts, large pipes, and storage tanks shall be firmly anchored to prevent flotation, movement, or collapse.
9. Special Requirements for Mobile Homes
 - a. Mobile homes and mobile home parks are prohibited in the Floodplain, except as a continuation of a nonconforming use;
 - b. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:

- 1) anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchored in accordance with the following:
 - a. over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
 - b. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,
 - c. all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;
- 2) elevated in accordance with the following requirements:
 - a. the standards or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one and on-half (1½) feet or more above the elevation of the one hundred (100) year flood;
 - b. adequate surface drainage is provided;
 - c. adequate access for a hauler is provided;
 - d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level; and
- 3) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

J. Within the Floodplain, a permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair, or other improvements of uses or structures, including the placement of mobile homes, and activities, such as mining, dredging, filling, grading, paving, or drilling operations. Application for a permit shall be filed with the Township, which shall make an initial determination on the application. For a use other than those permitted in this Ordinance, an application seeking approval of a modification shall be forwarded to the Board, along with required studies or information. Every permit application for development or construction within the Floodplain shall include or be accompanied by all information necessary for the Township to determine that the proposal meets all the provisions of this Ordinance. Included with this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:

1. The elevation, in relation to mean sea level, of the lowest floor (including basement);
 2. Whether or not the structure includes a basement;
 3. If the structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure is to be floodproofed;
 4. If the structure is to be floodproofed, a document certified by a licensed professional engineer or architect certifying that the floodproofing methods used meet the provisions of this section; and,
 5. The elevation of the one hundred (100) year flood.
- K. Township Liability. The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by Thompson Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the Floodplain are now or ever will be free from flooding or flood damage.
- L. Abrogation and Greater Restrictions. This Ordinance supersedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 611 Water Supply and Sanitary Sewage Disposal

A. Water Supply

1. Where determined as feasible and necessary by the Board, the applicant shall connect to the existing public water system. Feasibility will be determined by the Board, and be based upon the Water Authority's Water Connection Ordinance and/or the Water Authority standards requiring connection and analysis of the sewer and water feasibility study required by Section 408 of this Ordinance.
2. If the applicant proposes connection to a public water system, the locations and kind of fire hydrants shall be in accordance with the specifications of the Water Authority or public utility that operates such water system in concert with the local fire department's thread requirements. A copy of the approval of such system by the Water Authority or the public utility shall be submitted.
3. If the applicant proposes connection to the public water system, the final plan application shall include a statement from the Water Authority or the public utility indicating the approval of the plans for design, installation, and possible financial guarantees.
4. If the applicant proposes connection to the public water system, the installation and construction shall be in accordance with the specifications of the Water Authority or the

public utility. The Water Authority or the public utility shall establish requirements for the ownership and maintenance of such system.

5. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, or a bona fide cooperative association of lot owners. A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement, or a commitment to serve the area in question, whichever is appropriate, shall be acceptable evidence.
6. If the applicant proposes to provide a community water supply system, its installation shall be in accordance with all regulations of DEP. The applicant shall obtain all permits and approvals required by DEP prior to final plan approval.

B. Sanitary Sewage Disposal.

1. Where required by this Ordinance, the applicant shall connect to a public sewer system. Feasibility will be determined by the Board, and be based upon applicable standards requiring connection and/or analysis of the sewer and water feasibility study required by §408 of this Ordinance.
2. When the Board, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, determines the necessity for a sewer facilities plan revision (plan revision module for land development), or supplement, the Board shall require that notice of approval from DEP be submitted as a condition of final plan approval.
3. If the applicant proposes connection to the public sewer system, the final plan application shall include a statement from the Sewer Authority indicating the approval of the plans for design, installation, and possible financial guarantees.
4. If the applicant proposes to provide a community sewer system, its construction and installation shall be in accordance with all regulations of DEP. The applicant shall obtain all permits and approvals required by DEP prior to final plan approval.

C. On-Lot Sewage Disposal.

1. If the developer proposes installation of on-lot sewage disposal and has presented documentation satisfactory to the Board proving the unfeasibility of connection to community sewer system, the following documentation shall be provided:
2. Each lot or lots to be created shall contain a suitable location for the installation of an initial individual on-lot sewage system, except when such lot or lots to be created are to be served by a community sewage system. The Sewage Enforcement Officer shall perform or observe all tests required by DEP and this Ordinance for the location of an individual on-lot sewage system, to confirm the suitability of the location.
3. Replacement Location for On-Lot Sewage Systems.
 - a. Each lot or lots to be created shall contain a suitable location for the installation of a replacement individual on-lot sewage system. The Sewage Enforcement Officer shall

- perform or observe all tests required by DEP and this Ordinance for the location of an individual on-lot sewage system to confirm the suitability of the replacement location. The replacement location shall comply with all regulations issued by DEP concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable Township Ordinances. Allowance of open land for the replacement location without such testing shall not constitute compliance with the requirements of this Section.
- b. The location of each initial individual on-lot sewage system and each replacement location shall be noted on the plans. An appropriate easement shall be provided around the replacement location and shown on the final plan. The purchaser of each lot shall be provided with a copy of the plans. A note shall be added to the plans stating that no improvements shall be constructed upon the replacement location easement, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.
 - c. Any revisions to a permit or plan affecting a replacement location that previously has been approved pursuant to the provisions of this Ordinance shall be approved by the Township or its authorized representative.
4. The replacement location shall not be excavated, graded, filled, or otherwise disturbed in any manner that would prevent its use as a future location for an on-lot sewage disposal system during development of the lot. No permanent or temporary improvements of any character other than the planting of trees, shrubs, or other plant matter shall be constructed upon the replacement location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Board that an alternate replacement location which complies with all applicable Township Ordinances exists upon the lot. If such an alternate replacement location shall be identified, the alternate replacement location may be considered to be the replacement location required by this Ordinance, shall be designated as the replacement location, and the plans shall be accordingly revised and submitted to the Planning Commission. The newly designated replacement location shall thereafter be considered the replacement location for the purposes of this Ordinance.
 5. The limits of both the initial individual on-lot sewage system and the replacement system location easement for each lot must be staked and roped off, or other acceptable boundary markers erected, prior to issuance of building permits for each lot; the markers must be properly maintained during construction and until the issuance of an occupancy permit.

ARTICLE VII

MOBILE HOME PARKS

Section 701 General

- A. Mobile home park plans shall be processed in accordance with Article III of this Ordinance. Mobile home parks shall comply with the design standards set forth in this Article, with the exception that any specific design standard will be superseded by any other Township ordinance, resolution, or regulation adopted prior to the preliminary plan submission date and containing a different specific standard. Where another Township standard applies, the plan shall note that item will be designed to such specific Township standard.
- B. No person shall occupy any mobile home for sleeping or living quarters other than on a duly permitted mobile home lot in a mobile home park; however, a mobile home may be erected and maintained as a single family detached dwelling outside a mobile home park when all of the following standards and conditions are complied with:
 - 1. The foundation for the dwelling shall be an entire perimeter wall, either of concrete or masonry construction, extending from below the frost line to the underside of the dwelling.
 - 2. The dwelling must be attached to the foundation wall by anchor bolts or similar attachments approved by the Township, as contrasted with the mere setting of the dwelling on the foundation wall.
 - 3. The entire running gear, as contrasted with just the wheels, and any towing hitch and hitch frame assembly must be removed from the dwelling, at the time it is set on its foundation.
 - 4. No structure, or part of a structure, which was formerly a mobile home shall be placed on a lot as an addition to or an extension of an existing dwelling.

Section 702 Lot Size and/or Density

- A. The minimum size of a mobile home park shall be five (5) acres.
- B. The total density of a mobile home park shall not exceed seven (7) mobile homes per acre.

Section 703 Mobile Home Lot Dimensions

- A. Each mobile home lot shall have a minimum lot area of five thousand (5,000) square feet.
- B. Each mobile home lot shall be at least fifty (50) feet wide.

- C. Each mobile home lot shall contain no more than one (1) mobile home, nor more than one (1) household.
- D. Each mobile home lot shall be provided with a hard-surfaced mobile home stand which has a foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure. Each mobile home stand shall be equipped with properly designed and approved water, sewer, and electrical connections.

Section 704 Mobile Home Requirements

- A. All mobile homes shall have a minimum of four hundred (400) square feet of floor space.
- B. An enclosure of compatible design and material, commonly called skirting, shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

Section 705 Streets

- A. All streets within the mobile home park shall be private access drives and shall conform to all specifications and requirements for such drives.
- B. All mobile homes shall abut on the mobile home park access drive. Access to the mobile home lots shall be by the access drives and not public streets.
- C. All mobile home park access drives shall have a minimum cartway width of thirty-six (36) feet.
- D. The cartway construction shall conform to the specifications applicable to standard Township streets.
- E. A clear sight triangle shall be provided and maintained at all intersections in accordance with the requirements of §602 of this Ordinance. Clear sight triangles shall be kept free of all obstructions.
- F. The horizontal and vertical alignment of mobile home access drives shall be in accordance with the requirements of §602 of this Ordinance.

Section 706 Building Setbacks and Separations

- A. No structure shall be closer than twenty-five (25) feet to any property line, other than a public or private street, defining the external boundary of the park.

- B. Mobile homes shall be separated from each other, from service and accessory buildings, and from the adjoining private mobile home park street or common parking area by a minimum of twenty (20) feet.

Section 707 Parking Facilities

- A. Off-street parking spaces shall be provided in all mobile home parks. Two (2) paved parking spaces per dwelling unit shall be provided on each mobile home lot.

Section 708 Sidewalks and Curbs

- A. All mobile home parks shall have sidewalks along parking compounds and public street rights-of-way, and between the individual mobile homes and the service buildings.
- B. Curbs shall not be required along mobile home park access drives and parking compounds.
- C. Sidewalks and curbs shall be constructed in accordance with the standards specified in this Ordinance.

Section 709 Water Supply

- A. All mobile home parks shall be connected to a community or public water supply system. Additionally, all water supply systems shall be approved in accordance with §611.A of this Ordinance.
- B. All mobile homes and service buildings shall be connected to the water supply system. Individual water riser pipes having an inside diameter of not less than three-fourths (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.
- C. Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve below the frost line for each mobile home stand.
- D. Wherever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of final plan approval, fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Fire Underwriters Association, the local fire company, and Township Regulations, as applicable.

Section 710 Sewage Disposal

- A. All mobile home parks shall be connected to a publicly owned sanitary sewer system, or to a privately owned sanitary sewer system used by two or more mobile homes with treatment other than sub-surface absorption or holding tank. Additionally, all sanitary sewer systems shall be approved in accordance with §611 of this Ordinance.
- B. All mobile homes and service buildings shall be connected to an approved sewer system. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. The sewer riser pipe shall be sealed with a securely fastened plug or cap when the mobile home lot is unoccupied.
- C. Adequate provision shall be made to protect sanitary sewers from storm water infiltration and damage. All sewer lines shall be constructed with materials and by methods approved by the Pennsylvania Department of Environmental Protection.

Section 711 Storm Water Management, Erosion and Sedimentation, and Floodplain Controls

- A. All mobile home parks shall conform to the requirements of §610 of this Ordinance with respect to storm water management, erosion and sedimentation, and floodplain controls.

Section 712 Solid Waste Disposal

- A. Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

Section 713 Lighting

- A. All interior streets and parking compounds shall be lighted to provide an average minimum two (2) foot candle level of illumination at an elevation of three (3) feet above the grade for the safe movement of pedestrians and vehicles at night.

Section 714 Landscaping

- A. Ten (10) foot wide easements shall be located within the mobile home park immediately

adjacent to all public streets, residential districts and all other existing residential uses. A landscaped screen in accordance with §609 shall be planted within said easement.

- B. Ground surfaces in all parts of the mobile home park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the creation of dust during dry weather.

Section 715 Service and Accessory Buildings

- A. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites, and other deterioration.
- B. Service and accessory buildings shown on an approved plan may be erected in a mobile home park. Such buildings shall be located in conformance with §706 of this Ordinance.
- C. Every mobile home park shall have a structure designed for and clearly identified as the office of the mobile home park manager.
- D. Occupants of each mobile home lot shall be provided with at least one hundred fifty (150) cubic feet of weather-tight and secure enclosed storage space. The type of storage facility shall be approved by the Township.
- E. Service and accessory buildings shall be used only by the occupants of the mobile home park or their guests.

Section 716 Permits and Plans

- A. It shall be unlawful for any person to operate, construct, or maintain a mobile home park within the Township without first obtaining approval of a plan and securing an operating permit from the Township.
- B. The number of applications and plans to be submitted and the procedure to be followed by the Township in processing said applications and plans shall be as described for land developments in Article III of this Ordinance with the following additional provisions.
 - 1. The person desiring to construct, operate and maintain a mobile home park shall also make application for an operating permit to the Township. The fee amount for the operation permit application shall be found in the Appendix.
 - 2. A permit to construct a mobile home park shall be issued only after a plan has been approved by the Township, the Pennsylvania Department of Environmental Protection and other agencies having jurisdiction. Said permit shall only serve as authority to construct the mobile home park in accordance with the requirements of this Ordinance.

3. After construction of the mobile home park the Township shall issue an operating permit authorizing the applicant to operate the mobile home park if it meets all the requirements of this Ordinance. Said operating permit shall expire one (1) year from the date of issuance, but may be renewed under the provisions of this Ordinance for additional periods of one (1) year each. An operating permit fee per mobile home lot must be paid for each year that the permit is renewed. The fee amount for the operating permit shall be found in the Appendix.
 4. Periodic inspections of mobile home parks shall be made at reasonable intervals by a designated representative of the Township to assure continued compliance of the mobile home park with the provisions of this Ordinance.
- C. The permits required by this Ordinance are not transferable either to a new location or to a new permittee at the same location.
- D. No person holding a permit under Ordinance shall extend or reduce the area of any mobile home park, add any new facility or structure, or eliminate any existing facility or structure, until notice of the proposed change shall have been given to the Township and the Township shall have ascertained, after investigation as in the case of an original application for an operating permit, that such proposed change is in accordance with all the requirements of this Ordinance. The Township shall either (1) approve the changes, (2) designate the reasons why the changes cannot be made; or (3) advise the applicant of which additional changes are required in order to comply with the Ordinance before the proposed changes will be approved.
- E. Any permit issued by the Township shall be subject to revocation by the Township for the violation by the person holding said permit of any provision of this Ordinance, any of the laws of the Commonwealth of Pennsylvania, or any rules and regulations promulgated thereunder pertaining hereto, and shall also be subject to revocation by the Township, if the person holding said permit, under cover of such permit, violates or aids or abets in violating, or knowingly permits to be violated, any penal ordinances of the Township or laws of the Commonwealth of Pennsylvania, or any rules or regulations thereunder. Following revocation, the mobile home park shall not be operated as such until a new application shall be made for an operating permit hereunder, which application shall contain, in addition to all other items required by this Ordinance, reasonable assurances to prevent further violations of the nature for which conviction was a result.
- F. The Township Supervisors by resolution may suspend the construction permit and/or operating permit, and thus suspend the operation of a mobile home park, upon receipt of evidence of a violation. Such suspended permit may be reinstated for the balance of the year for which it was issued, upon compliance of the holder thereof with all conditions for reinstatement set forth in the resolution of suspension. No person shall operate a mobile home park during the time when an operating permit therefore shall have been cancelled or suspended.
- G. No mobile home shall be removed from the Township without first obtaining a removal permit from the Township Tax Collector, as required by Act 54 of July 8, 1969, of the

Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee and real estate taxes assessed against the mobile home and unpaid at the time the permit is requested. The fee amount for the removal permit shall be found in the Appendix.

Section 717 Travel Trailer Parks

- A. Travel trailer park plans shall be processed as Final Plans in accordance with Article III of this Ordinance. Travel trailer parks shall be subject to the following design standards only:
- B. The maximum number of lots or spaces within each park shall be no more than fifteen (15) units per gross area of the park.
- C. A minimum of one (1) motor vehicle parking space shall be provided for each lot or space within the travel trailer park.
- D. An internal system of private access drives shall be provided in travel trailer parks. Such access drives shall have a minimum cartway width of ten (10) feet per driving lane and shall be improved with any hard surface material acceptable to the applicant.
- E. The Township may require additional cartway improvements for travel trailer parks with a potential occupancy of more than forty-five (45) travel trailers when, in the Township's judgment, such improvements are necessary for safety or health reasons.
- F. Travel trailer parks may be improved by the permanent installation of travel trailers; however, such trailers shall not be used as permanent residences. For the purposes of this Section, a permanent residence shall be defined as a residence that is occupied on a continuous basis for more than 90 days and/or more than 120 days within any 365 day period.
- G. All water supply facilities and sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection.
- H. All travel trailer parks shall conform to the requirements of §610 of this Ordinance with respect to storm water management, erosion and sedimentation, and floodplain controls.
- I. A twenty (20) foot wide easement shall be located within the travel trailer park immediately adjacent to all residential districts and all other existing residential uses. A landscaped screen in accordance with §609 shall be planted within said easement.

ARTICLE VIII ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 801 Fees

A. Fee Resolution

1. The Board shall establish by resolution a collection procedure and schedule of fees to be paid by the applicant at the time of submission of all plans.
2. Fees for all other permits required for and by the Township shall be established by resolution.
3. Said schedule of fees shall be posted in the Township Office.

B. Professional Consultant Fees

1. Engineering fees required to be paid in accordance with this Ordinance shall be paid to the Township by the applicant for the below listed services:
 - a. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports, and specifications.
 - b. Inspecting the layout of the site for conformance to the submitted survey, plan, and specifications.
 - c. Reviewing planning modules for land development.
 - d. Reviewing cost estimates of required improvements, as submitted by the developer.
 - e. Inspecting required improvements during construction.
 - f. Final inspections of completion of installation of the required improvements.
 - g. Such other technical services as deemed necessary or required by the Township.
2. Professional consultant fees for services provided by professional consultants required to be paid in accordance with this Ordinance shall be paid to the Township by the applicant for the below listed services:
 - a. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports, and specifications.
 - b. Such other services as deemed necessary or required by the Township.

Section 802 Modifications

The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety, and welfare. However, if literal compliance with any mandatory provision of these regulations is shown by the applicant to the satisfaction of the Board present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Board may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. But, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

A. Application Requirements

1. All requests for modifications shall be made in accordance with the provisions of §308 of this Ordinance.
2. Should a revision to a submitted plan require a modification which was not apparent at the time of the initial plan submission, the request for a modification shall be submitted in accordance with §308 of this Ordinance.

B. Action On Modification Requests

1. At a public meeting, and after review and recommendation by the Planning Commission, the Board shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
2. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Board determines that the applicant has met his burden, it may grant a modification from the literal compliance with the terms of this Ordinance.
3. In granting modifications, the Board may impose such conditions as will, in its judgment; secure the objectives and purposes of this Ordinance.
4. When a modification is granted with conditions, a statement of the approved modification including the imposed condition(s) shall be provided on the final plan.

Section 803 Enforcement

- A. Enforcement of this Ordinance shall be the duty of the codes enforcement officer or other authorized representative of the Township, and they are hereby given the power and authority to enforce the provisions of this Ordinance.

- B. The codes enforcement officer or other authorized representative shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved subdivision or land development. No building permit shall be issued until the codes enforcement officer or other authorized representative has determined that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded final plan.

Section 804 Penalties and Preventive Remedies

- A. Any person, partnership, or corporation, or the members of such partnership, or the officers of such corporation, who or which being the owner or agent of the owner of any lot, tract, or parcel of land shall lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel, or other purposes, or for the common use of occupants of buildings abutting thereon; or who sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein; or who in any other way be in violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of determination of a violation of the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.
- B. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct, or abate violations of this Ordinance, to prevent unlawful construction, to recover damages, and/or to prevent illegal occupancy of a building, structure, or premises.
- C. 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.
- D. The Township may further 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 this Ordinance. The authority to deny such 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 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 the 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 constructive knowledge of the violation.
- E. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real estate.

ARTICLE IX

APPEALS, INTERPRETATION, AND EFFECTIVE DATE

Section 901 Appeals

All appeals from decisions of the Board in the administration of this Ordinance shall be made in accordance with the provisions of the Municipalities Planning Code.

Section 902 Interpretation and Application of Provisions

In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety, and welfare. Where the provisions of this Ordinance and all standards and specifications implementing it impose greater restrictions upon subdivision or land development than those of any other Township Ordinance or any regulation or any applicable land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute, regulation, other Township Ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this Ordinance, the provisions of such statute, regulation, other Ordinance, or applicable land development agreement shall be controlling.

Section 903 Application of Ordinance

With the exception of §903.A and 903.B, the provisions of this Ordinance shall apply to and control all subdivisions and/or land developments whose plans have not been recorded in the Office of the Recorder of Deeds prior to the effective date of these regulations.

- A. The provisions of this Ordinance shall not adversely affect an application for approval of a preliminary or final plan which was duly filed with the Fulton County Planning Commission with a copy thereof submitted to the Township, and is pending action at the time of the effective date of this Ordinance, and in which case 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 had been duly filed. When a preliminary plan has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan. However, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this Ordinance.
- B. If an applicant has received approval of a preliminary or final plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such approval. When approval of the final plan has been preceded by approval of a preliminary plan, the five (5) year period shall be counted from the date of preliminary plan approval. If

there is any doubt as to the terms of approval, the terms shall be construed in 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.

Section 904 Construction

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights or liability incurred, or any permit issued, or any approval granted, or any cause or causes of action existing prior to the enactment of this Ordinance.

Section 905 Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 906 Effective Date

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Thompson Township, as provided by law.

DULY ORDAINED AND ENACTED by the Board of Supervisors of Thompson Township, Fulton County, Pennsylvania, on the _____ day of _____, 20__, in lawful session duly assembled.

THOMPSON TOWNSHIP

(Vice) Chairman,

Board of Supervisors

Attest:

Secretary

[TOWNSHIP SEAL]