

# **Howe Township**

**Perry County, Pennsylvania**

## **Subdivision and Land Development Ordinance #10**

**Adopted June 15, 1985**

**Amended January 4, 1993**

**Amended March 10, 2005**

**Amended and Adopted October 3, 2013**

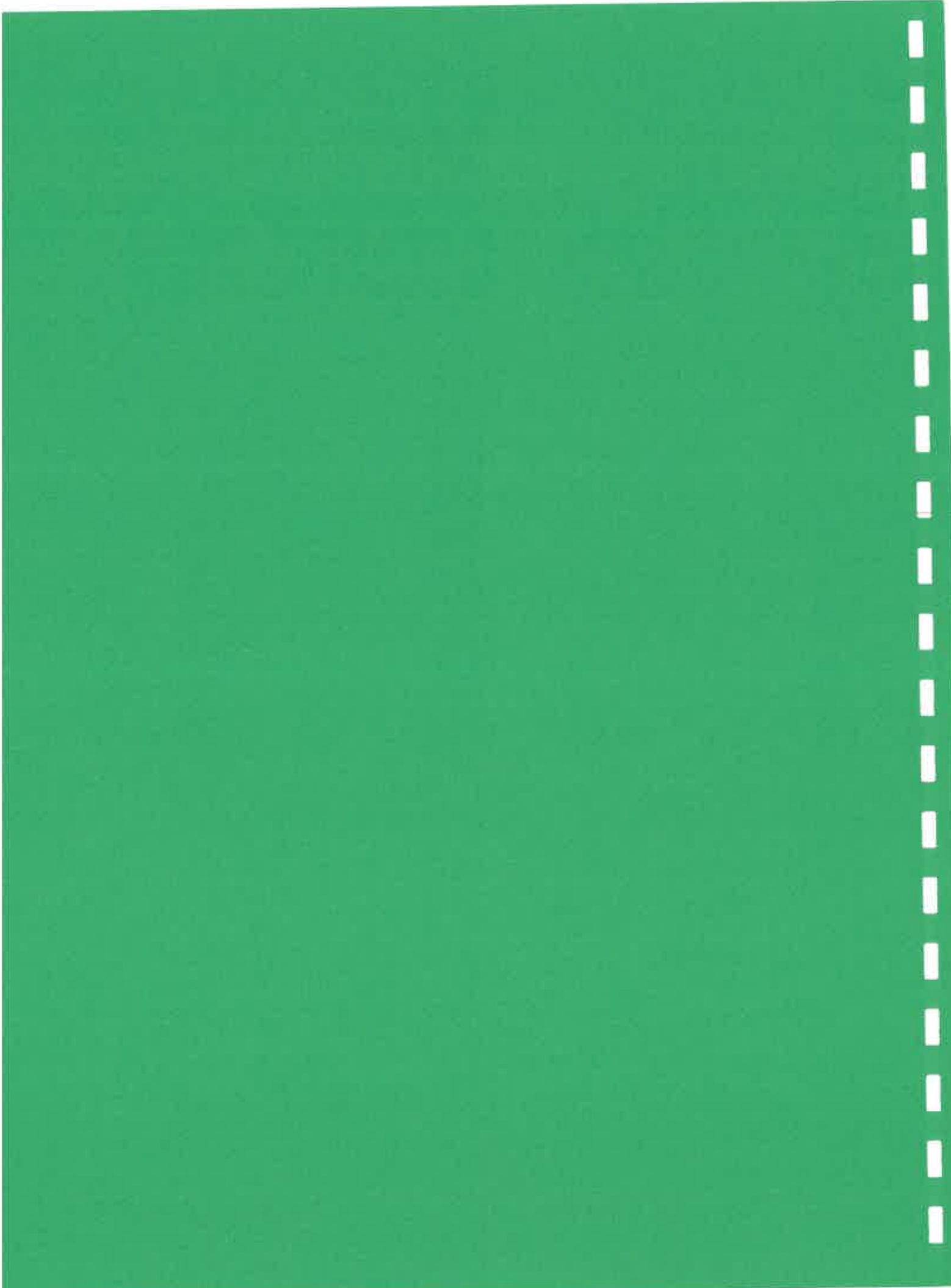


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## ARTICLE 1: PURPOSE

### **Section 101. PURPOSE**

The purpose of this Subdivision and Land Development Ordinance is to provide for harmonious development of Howe Township by:

1. Assisting in the orderly and efficient integration of subdivisions within the township.
2. Ensuring conformance of subdivision plans with public improvement plans.
3. Ensuring coordination of municipal public improvement plans and programs.
4. Securing the protection of water resources and drainageways.
5. Facilitating the efficient movement of traffic.
6. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.
7. In general, promoting the greater health, safety and welfare of the citizens of the Township.

### **Section 102. COUNTY REVIEW**

In its sole discretion, the Township may decline to review and act upon such Application until the report from the County Planning Commission is received, or until the expiration of thirty (30) days from the date the Application was forwarded to the County for review.

### **Section 103. APPLICATION OF REGULATIONS**

1. No subdivision or land development of any lot, tract, or parcel of land in Howe Township shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final development or subdivision plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this Ordinance.

2. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plan has been approved by the Township and recorded, and until construction of public improvements required in connection therewith has been completed or guaranteed in the manner prescribed herein.

## **Section 104. INTERPRETATION**

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

## **Section 105. EFFECTIVE DATE**

This Ordinance shall take effect on the 8th day of October, 2013, and may be amended from time to time in accordance with procedures established by law.

## **ARTICLE 2: DEFINITIONS**

### **Section 201. CLARIFICATIONS**

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

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

### **Section 202. DEFINITIONS**

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

**AGRICULTURE** - the cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nursery, horticulture, forestry and animal husbandry activities.

**ALLEY** - a minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

**APPLICANT** - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** - every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for the approval of a subdivision plan or for the approval of a development plan.

**BLOCK** - an area surrounded by streets.

**BOARD OF SUPERVISORS (SUPERVISORS)** - the Board of Supervisors of the Township of Howe.

**BRIDGE** - an enclosed water carrying structure of one (1) or more barrels having a combined space of eight (8) feet or greater.

**BUILDING SETBACK LINE (SETBACK)** - the line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

**CAMPGROUND** - the term "campground" shall mean a tract or tracts of land, or any portions thereof, used for the purpose of providing sites for the temporary use of trailers, recreational vehicles, campers or tents, as hereinafter defined, for camping purposes with or without a fee being charged for the leasing, renting or occupancy of such space.

**CAMPING SITE** - the term "camping site" shall mean a parcel of land in an organized camp or campground for the placement of a single trailer and/or tent and the exclusive use of its occupants.

**CARTWAY** - that portion of a street or alley which is improved, designated or intended for vehicular use.

**CHANNEL** - a natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

**CISTERN** - an underground reservoir or tank for storing rainwater.

**CLEAR SIGHT TRIANGLE** - an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street centerlines.

**COUNTY** - Perry County, Pennsylvania.

**CUL-DE-SAC** - a street intersecting another street at one end and terminating at the other in a vehicular turn-around.

**CULVERT** - an enclosed water carrying structure of one (1) or more barrels having a combined span less than eight (8) feet and having a total flow area greater than forty-eight (48) inch diameter.

**CUT** - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

**DESIGN STORM** - the magnitude of precipitation from a storm event measured in probability of occurrence (e.g. fifty (50) year storm) and duration (e.g. twenty-four (24) hour), and used in computing storm- water management control systems.

**DETENTION BASIN** - a basin designed to drain completely after retarding stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**DEP** - the Pennsylvania Department of Environmental Protection or any agency successor thereto.

**DEVELOPER** - a 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.

**DEVELOPMENT PLAN** - the provisions for the development of a tract of land, including a subdivision plat, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the development plan" when used in this Ordinance shall mean written and graphic materials referred to in this definition.

**DRAINAGE** - the flow of water or liquid waste and the method of directing such flow, whether natural or artificial.

**DRAINAGE EASEMENT** - a right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes and for the preservation and protection of natural or manmade storm- water management facilities.

**DRIVEWAY** - a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DWELLING** - a building designed for residential purposes and used as living quarters for one or more persons.

**DWELLING UNIT** - One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family or a single person.

**ENGINEER** - registered professional engineer of Pennsylvania.

**ENGINEERING SPECIFICATIONS** - the Engineering Specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

**EROSION** - the removal of surface materials by the action of natural elements.

**EXCAVATION** - any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

**FILL** - any act by which earth, sand, gravel, rock or any other material is place, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

**GROUNDWATER RECHARGE** - replenishment of existing natural underground water supplies.

**IMPERVIOUS SURFACE** - a surface which prevents the percolation of water into the ground.

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

**INFILTRATION STRUCTURES** - a structure designed to direct runoff into the ground.

**LAND DEVELOPMENT** - any of the following activities:

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

A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

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



unit. C. The construction of a residential building having more than one residential

2. A Subdivision of land.

3. "Land development" does not include development which involves:

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

B. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, 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 newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

**LOT** - a designated parcel, tract or area of land established by a plan or other-wise as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** - the area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.

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

**MOBILEHOME PARK** - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobile homes.

**MUNICIPAL ENGINEER** - a registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified. Also referred to as "TOWNSHIP ENGINEER".

**MUNICIPALITY** - Howe Township.

**PEAK DISCHARGE** - the maximum rate of flow of water at a given point and time resulting from a specified storm event.

**PIPE** - an enclosed water carrying structure of one (1) or more barrels having a total flow area equivalent to forty-eight (48) inch diameter or less.

**PLAN, SKETCH** - an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

**PLAN, FINAL** - a complete and exact subdivision or land development plan prepared for official recording as required by statute.

**PLAN, PRELIMINARY** - a tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.

**PROFESSIONAL CONSULTANTS** – persons who provide expert or professional advice to the Township as a part of the review of any preliminary of final plan, including, but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

**PROJECT SITE** - an area of land under development and within the jurisdiction of this ordinance.

**PUBLIC HEARING (HEARING)** – a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and to obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC NOTICE** - notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publications shall be not more than thirty days or less than ten days prior to the date of the hearing.

**REAL ESTATE** - the land including the building or improvements thereto and its natural assets.

**REAL PROPERTY** - the land and improvements thereto.

**RECREATIONAL VEHICLE** - a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power or is mounted on or drawn by another vehicle (including camping trailer, motorhome, travel trailer

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

**RETENTION BASIN** - a basin designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

**RIGHT-OF-WAY, STREET** - a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

**RUNOFF** - the surface water discharge or rate of discharge of a given water shed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**SCS** - Soil Conservation Service, U.S. Department of Agriculture (U.S.D.A.).

**SEDIMENT** - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.

**SEDIMENTATION** - the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "Sediment".

**SEDIMENT BASIN** - a barrier, dam, retention or detention basin designed to retain sediment.

**SEEPAGE PIT** - an area of excavated earth filled with loose stone or similar material and into which stormwater runoff is directed for infiltration into the ground.

**SEMI-PERVIOUS SURFACE** - a surface such as stone, rock or other materials which permits some vertical transmission of water into the ground.

**SHOULDERS** - the portion of the street contiguous to the cartway for the accommodation of stopped vehicles, for emergency parking, and for the lateral support of these uses and the surface of the pavement.

**SIGHT DISTANCE** - the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SLOPE** - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**STORM SEWER** - a system of pipes, conduits, swales or other similar structures including appurtenant works which carries intercepted runoff, and other drainage, but excludes domestic sewage and industrial waste.

**STORMWATER** - drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**STORMWATER MANAGEMENT** - a program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

**STORMWATER MANAGEMENT FACILITIES** - those controls and measures used to effect a stormwater management program.

**STREET** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREETS, MAJOR:**

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

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

3. **Limited Access Highway:** A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

**STREETS, MINOR** - a street used primarily for access to abutting properties.

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

**SUBDIVIDER** - see Applicant and Developer.

**SUBDIVISION** - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or 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.

**SUBSTANTIALLY COMPLETED** - where in the judgment of the Township engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial

security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approval plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURFACE DRAINAGE PLAN** - a plan showing all present and proposed grades and facilities for storm water drainage.

**SURVEYOR** - a licensed surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** - see **CHANNEL**.

**TOWNSHIP** - the Township of Howe Perry County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

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

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

**WATERCOURSE** - a stream, river, brook, creek or channel or ditch for water whether natural or man-made.

**WATERSHED** - all land and water within the confines of a drainage basin.

**WETLANDS** - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission.)

### **ARTICLE 3: PROCESSING PROCEDURES AND PLAN REQUIREMENTS**

#### **Section 301. PRIOR TO SUBMISSION**

Copies of this Ordinance shall be available on request, at cost for the use of any person who desires information concerning subdivision standards and procedures in effect with the Township. Any prospective developer is encouraged to meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of this Ordinance.

## Section 302. SKETCH PLAN

Prior to submission of Preliminary Plans, developer may, at its option, submit a sketch plan to the Township Planning Commission, Township Staff and Board of Supervisors for review. This will enable the Township to review the proposed plan and to make suggestions, identify issues or discuss with the developer any proposed plans or factors that may affect or impact the proposed subdivision or development. Submission and review of a sketch plan shall not constitute official submission of a plan to the Township or official action on the part of the Township. The Township shall not be required to take any action on said plan or to review the same, within a specified period of time.

1. The Sketch Plan shall consist of the following:
  - A. The designation, Sketch Plan;
  - B. An approximate key map showing the generalized location of the tract and the adjacent streets;
  - C. Tract boundaries with approximate dimensions;
  - D. North point, topography, physical features and date;
  - E. Proposed street and lot layout and owner of tract.
  
2. The Township Planning Commission discussion and review of the Sketch Plan would normally include the following items:
  - A. Erosion and Sediment Control needs and requirements;
  - B. Sewage Disposal needs and requirements;
  - C. Proposed street layout to consider compatibility with existing and future Township road system;
  - D. Land subject to flooding;
  - E. Consideration of the various permits and requirements of different governmental units and sources of information for each.
  
3. The Sketch Plan should be reviewed by the Township Planning Commission, Staff and Board of Supervisors on all relevant Township concerns or issues, with an emphasis on the following:
  - A. The suitability of areas proposed for development and areas proposed for open space.

B. The most suitable methods of providing street access, including access points onto existing roads, and possible interconnections with existing streets.

C. Methods to reduce the total percentage of the subdivision or development that will be regraded, paved or de-forested.

The Township may forward the sketch plan to the County Planning Commission for informal review and advisory comment if the Township believes the sketch plan and proposed subdivision or development may have significant impacts.

### **Section 303. PROCESSING PROCEDURE**

Whenever a subdivision of land or land development is desired to be affected in Howe Township, Perry County, Pennsylvania, a plan of the layout of such subdivision or land development shall be prepared, filed and processed with the Planning Commission and the Board of Supervisors according to the requirements of this Subdivision and Land Development Ordinance.

### **Section 304. PRELIMINARY PLAN PROCEDURE**

1. Not less than fifteen (15) business days prior to a regularly scheduled meeting of the Planning Commission, the Developer shall submit to the Township all required fees, information (including design calculations) and plans required in subsection (2) below. An Application shall not be considered complete and the time for action by the Township shall not commence until all required filing fees, information and plans have been submitted to/deposited with the Township. The Township Secretary shall date and initial each page of the Preliminary Plan with the date the Application is completely submitted to the Township. It shall be the sole responsibility of the Developer to insure that the Preliminary Plan meets all of the requirements of this Ordinance and that any coordination with utilities and service agencies is accomplished.

2. The Developer shall submit to the Township one (1) original and four (4) copies of the Application for Review of the Preliminary Plan, ten (10) copies of the Preliminary Plan and five (5) copies of any required design calculations and studies required hereunder. Upon submission of a completed Application with required fees, plans and information, the Developer shall distribute copies as follows:

A. One (1) copy of the Plan and design calculations, reports, etc. to the Township Engineer.

B. One (1) copy of the Application and three (3) copies of the Plan to the Township Planning Commission.

C. One (1) copy of the Application and two (2) copies of the Plan to the County Planning Commission.

D. One (1) copy of the Application, one (1) copy of the Plan and one (1) copy of the design calculations to the County Conservation District (when applicable).

3. The Developer shall be solely responsible for the following:

A. Contact the appropriate utility/authority, as appropriate, to determine the availability of sufficient service, as well as to obtain documentation of same;

B. Seeking from PennDOT informal and formal review, as appropriate, for any proposed access onto a State road, and further providing sufficient information to PennDOT for such review;

C. Determining the necessity of permits or approvals from any agency outside of the Township, including, but not limited to DEP and the Army Corps of Engineers;

D. Ascertaining and submitting to the Township, at the time of submittal, any review fees for the County Planning Commission and County Conservation District;

E. Preparing and submitting to the Township and review agencies as required under the Pennsylvania Department of Environmental Protection sewage planning module process, if applicable;

F. Submitting materials required by Township Sewage Enforcement Officer.

4. Notice to Adjacent Landowners. At the time of initial submittal of the Preliminary Plan for any subdivision, the Developer shall mail written notice of the pending proposal to all owners of property abutting (including those properties across roads that would be adjacent but for the road) the subject property. Notices shall be sent to owners of record at their last known address. Such notice shall include the date, time and place of the first Planning Commission meeting at which time the proposal is first expected to be discussed, as well as a brief description of the project. The notice shall indicate that the proposal may be reviewed at the Township office, upon appointment, and provide contact information for the Township office. Such notices shall be mailed by U.S. Mail, return receipt requested, such cost to be borne by the Developer. In the event such notices are not claimed by the Owner(s) of adjacent property, the Developer shall mail such notice by regular mail, and if not returned to Developer, such notice shall have been deemed to have been received. The Developer shall furnish the Township with return receipts or other evidence of compliance with this section prior to Preliminary Plan approval.

5. At a regular meeting or special meeting of the Planning Commission following receipt of reports from agencies listed herein, but in no case more than sixty (60) days from the date of submission of the completed Application for Review of the Preliminary Plan, the Township Planning Commission shall:

A. Review the Preliminary Plan and required information/reports;



- B. Review all reports received;
- C. Discuss submission with the Developer or Developer's agents;
- D. Evaluate the plan, reports and discussion;
- E. Determine whether the Plan meets the objectives and requirements of this Ordinance and other Township ordinances;
- F. Either recommend approval, approval with conditions or denial of the Plan;
- G. Submit a written report to the Board of Supervisors. In the event denial is recommended, the report shall specify the defects in the Application and describe the requirements that have not been met and shall, in each instance, cite the specific provisions of the Ordinance relied upon.

6. Following receipt of the Township Planning Commission's report and within ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission, whichever first reviews the application, next following the date the completed Application is filed or after a final order of court remanding the application, provided that should the next regular meeting occur more than thirty (30) days following the filing of the completed Application or the final order, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the date the completed Application was filed, unless said ninety (90) days is extended in writing by agreement of the applicant(Developer), the Board of Supervisors shall:

- A. Evaluate the submission, presentation and reports from the Township Planning Commission.
- B. Determine whether the Plan meets the objectives and requirements of this Ordinance and other Township ordinances.
- C. The Board of Supervisors shall determine whether the Plan shall be approved, approved with conditions acceptable to the Developer or disapproved. The decision of the Board of Supervisors shall be in writing and shall be communicated to the Developer personally or mailed to him at the address indicated on the Application, not later than fifteen (15) days following the decision of the Board of Supervisors. If the Plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptance of the conditions. Such response shall be in writing, signed by the Applicant and be received by the Township Secretary within ten (10) calendar days of receipt by the Applicant of the Board of Supervisor's decision to approve the Plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to accept or reject such conditions in the manner and within the time frame noted herein unless a court determines said condition to have been invalid.

D. In the event the plan is denied, the decision of the Board of Supervisors shall specify the defects in the Application and describe the requirements that have not been met and shall, in each instance, cite the specific provisions of the Ordinance relied upon.

7. Each Preliminary Plan and supporting documentation should seek to incorporate any revisions recommended by the Township staff, Planning Commission and County Planning Commission. In the event revisions to plans are proposed after initial submittal, revised plans shall be submitted to the Township no less than fifteen (15) business days prior to the next regularly scheduled meeting of the body reviewing such revised plans, i.e. Planning Commission or Board of Supervisors.

8. Approval of the preliminary plan shall constitute conditional approval of the subdivision or land development as to its character and intensity, but shall not constitute approval of the final plan or authorize the sale of lots or construction of buildings.

9. Before acting on any preliminary plan, the Board of Supervisors may hold a public hearing thereon after public notice.

10. A. If requested by the Developer, the Board of Supervisors may permit the undertaking of the required improvements and the preparation of the Final Plan to be completed in a series of sections or phases, each covering a portion of the proposed subdivision or development as shown on the Preliminary Plan.

B. If Final Plans are to be filed in sections or phases, each section or phase shall provide sufficient access, utilities and amenities to provide for the development to properly function if future stages are not built.

C. The boundaries of sections or phases and the timing of related improvements shall be subject to approval of the Board of Supervisors.

### **Section 305. PRELIMINARY PLAN SPECIFICATIONS**

1. The preliminary plan shall be drawn to scale as to facilitate a comprehensive overall picture of the proposed subdivision on sheets of a size not larger than 24" x 36" and shall show:

A. The designation, "Preliminary Plan".

B. Proposed subdivision or development name and municipality or municipalities in which located.

C. Name, address, mailing address, signature and telephone number of record owner and developer.

D. Name, address, seal, and signature of registered engineer or surveyor responsible for preparation of the plan.

E. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was revised for each revision, if any.

F. A location map, for the purpose of locating the property being developed, showing the relationship of adjoining property to all streets, roads and municipal boundaries.

G. Boundaries of the property being developed showing bearings and distances and a statement of total acreage of the property at a scale of 1" equals 400'.

H. Names of record owners of adjoining land.

I. Reference to recorded subdivision plans of adjoining platted land by recording name, date and number.

J. All existing buildings, sanitary sewers, water mains, gas mains, culverts, fire hydrants, electrical poles and transmission lines, underground cable and other significant man-made features on or adjacent to the tract.

K. Existing and proposed contours of the proposed subdivision at vertical intervals of two (2) feet.

L. Purpose or intended use for each lot or parcel.

M. Land Subject to Flooding.

i. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall not be endangered by periodic or occasional inundation.

ii. Adequate building Site - To insure that residents will have sufficient flood free land upon which to build a house, the Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information.

iii. Street Elevation - The Planning Commission shall not recommend approval of streets subject to inundation of flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.

iv. Location and elevation of proposed roads, utilities, building sites, fills, flood or erosion protection facilities.

v. The one hundred (100) year flood elevations and the boundaries of the flood plain areas or districts.

N. The layouts, names and widths of right-of-way, cartway and paving of all existing and proposed streets, alleys and easements and whether streets are intended to be dedicated to the Township.

O. The layout of lots showing approximate dimensions, lot numbers and gross and net area of each lot.

P. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space or other public, semipublic or community purpose.

Q. Date of recording deed reference, and tax parcel number for the parcel being subdivided and/or developed as recorded in the Recorder of Deeds Office of Perry County, Pennsylvania.

R. Certification of ownership and dedicatory statement signed by the owner.

S. Notary Public and Recording Statement.

T. Approval blocks to be signed by the Planning Commission and the Board of Supervisors.

U. A statement should be included on the plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands, or that there are no wetlands according to jurisdiction or delineation." Any wetlands shall be shown on the plan.

V. Existing natural features, such as watercourses, wetlands, marshes, streams, rock outcrops and wooded areas.

W. Deed reference and source of title.

2. The Preliminary Plan shall be accompanied by the following data and plans:

A. A profile of each proposed street, including grades, and street cross-sections.

B. Location of existing and proposed utility mains.

C. Location plans of proposed sewerage system, storm drainage facilities and of any proposed water distribution system.

D. A preliminary Erosion and Sedimentation Plan showing locations and types of erosion and sediment control measures (vegetation, mulching, structural control, etc.).

E. A plan for the proposed sewage treatment and water supply facilities. The Township Official Sewerage Plan shall be followed with respect to installation of public sewers.

F. A completed Department of Environmental Protection sewage "Planning Module" for submission to D.E.P. by the municipality in compliance with the planning and testing requirements of Pennsylvania Sewage Facilities Act, (Chapter 73 and Chapter 71 of Title 25 of the Pennsylvania Code). The "Module" shall be completed by the developer at his expense. The Township Supervisors may grant conditional preliminary approval without testing or planning modules being completed.

G. A profile of any proposed sanitary and storm sewers with invert elevations and Connections to existing systems.

H. Where the proposed subdivision abuts a State Highway (Pennsylvania Route or United States Route) evidence in writing from PennDOT indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway occupancy permits. In lieu of written approval from PennDOT, a note should appear on the plan stating: "Before access may be constructed to any lot, a Highway Occupancy Permit is required from PennDOT.

I. Evidence in writing, where one hundred (100) or more dwelling units are proposed in a subdivision or land development, from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development.

J. A copy of a report, where deemed necessary by the Board of Supervisors or Township Engineer, indicating an estimated volume of vehicular traffic movement and the adequacy or inadequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development, including possible solutions to such problems as may be thereby identified.

K. All required filing fees as required herein or as set by the Board of Supervisors.

L. Proof of any modifications which may have been granted by the Board of Supervisors or relief granted by the Zoning Hearing Board for matters within their respective jurisdiction which are relevant to the approval of the preliminary plan.

M. If the developer proposed to impose restrictions on future lot owners by deed restrictions or covenants, the text of such provisions shall be shown on the plan, referred to on the plan or in an attached document.'

N. A copy of a report, where deemed necessary by the Board of Supervisors or Township Engineer, indicating the general arrangement for storm water drainage, the estimated runoff of water to be generated and the effect of such runoff on the drainageways or

streams within the development and that projected runoff can be accommodated by the existing drainage facilities or streams beyond the proposed development.

O. In the event that the plans propose enlargement of utility and other services extending from another municipality, provide a statement or certificate indicating that the proposal and a PA DEP Planning Module for Land Development, if required, has been submitted by the developer for review and has been approved by the municipality or municipal authority concerned and is considered to be reasonable. An easement shall be required from the affected property owner and recorded prior to or concurrent with the Final Plan.

### **Section 306. FINAL PLAN PROCEDURE**

1. Not less than fifteen (15) business days prior to a regularly scheduled meeting of the Planning Commission, the Developer shall submit to the Township all required fees, information and plans required in subsection (4) below. An Application shall not be considered complete and the time for action by the Township shall not commence until all required fees, information and plans have been deposited with the Township. The Township Secretary shall date and initial each page of the Final Plan with the date and the Application is completely submitted to the Township.

2. Upon request of the Developer, a Final Plan may be submitted in sections or phases, each of which cover a section or phase of the entire subdivision or development as approved on the Preliminary Plan. See Section 304(10).

3. A Developer shall file a Final Plan within five (5) years of the date of approval of the Preliminary Plan by the Board of Supervisors. In the event a Final Plan is not filed with such five (5) year time period, the Developer shall be required to file a new Preliminary Plan in accordance with Section 508 of the Pennsylvania Municipalities Code, as amended and supplemented from time to time.

4. The Developer shall submit to the Township one (1) original and four (4) copies of the Application for the Review of the Final Plan, ten (10) copies of the Final Plan and five (5) copies of any required design calculations or studies required hereunder. Upon submission of a completed Application, with required fees, plans and calculations, the Developer shall distribute copies as follows:

A. One (1) copy of the Final Plan and design calculations, reports or studies to the Township Engineer.

B. One (1) copy of the Application, and three (3) copies of the Final Plan to the Township Planning Commission.

C. One (1) copy of the Application and two (2) copies of the Final Plan to the County Planning Commission.

D. One (1) copy of the Application, one (1) copy of the Final Plan and one (1) copy of the design calculations to the County Conservation District, if and when applicable.

5. The Developer shall be solely responsible for the following:

A. Enter into agreements with appropriate utilities to guarantee applicable services.

B. Submit complete application and fees for any necessary permit to PennDOT for access to or to work within State road right-of-way.

C. Submit application(s) and fees to PA DEP for any required permits. If required by DEP regulations, submit two (2) complete copies of sewage planning module to Township and copies of sewage planning module and associated plans to various agencies as required under PA DEP regulations. Sewage planning module shall be complete and fully approved by PA DEP prior to approval of Final Plan.

D. If Soil Erosion and Sedimentation Plan was not approved as part of the Preliminary Plan, submit same to Perry County Conservation District, along with required review fees.

E. Provide information needed by Sewage Enforcement Officer, if applicable.

6. The Final Plan shall conform with the approved Preliminary Plan and any conditions thereto.

7. Whenever revisions to a previously submitted or approved final plan are proposed, a detailed list of revisions shall be submitted with any revised plan. Revised plans shall be submitted to the Township for review no less than fifteen (15) business days prior to the next regularly scheduled meeting of the body reviewing such revised plans, i.e. Planning Commission or Board of Supervisors.

8. At a regular meeting or special meeting of the Planning Commission following receipt of reports from agencies listed herein, but in no case more than sixty (60) days from the date of submission of the completed Application for Review of the Final Plan, the Township Planning Commission shall:

A. Review the Final Plan and required information/reports;

B. Review all reports received;

C. Discuss submission with the Developer or Developer's agents;

D. Evaluate the plan, reports and discussion;

E. Determine whether the Plan meets the objectives and requirements of this Ordinance and other Township ordinances;

F. Either recommend approval, approval with conditions or denial of the Plan;

G. Submit a written report to the Board of Supervisors. In the event denial is recommended, the report shall specify the defects in the Application and describe the requirements that have not been met and shall, in each instance, cite the specific provisions of the Ordinance relied upon.

9. Following receipt of the Township Planning Commission's report and within ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission, whichever first reviews the application, next following the date the completed Application is filed or after a final order of court remanding the application, provided that should be the next regular meeting occur more than thirty (30) days following the filing of the completed Application or the final order, the said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the date the completed Application was filed, unless said ninety (90) days is extended in writing by agreement of the Developer, the Board of Supervisors shall:

A. Evaluate the submission, presentation and reports from the Township Planning Commission.

B. Determine whether the Plan meets the objectives and requirements of this Ordinance and other Township ordinances.

C. The Board of Supervisors shall determine whether the Plan shall be approved, approved with conditions acceptable to the Developer or disapproved. The decision of the Board of Supervisors shall be in writing and shall be communicated to the Developer personally or mailed to him at the address indicated on the Application, not later than fifteen (15) days following the decision of the Board of Supervisors. If the Plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptable of the conditions. Such response shall be in writing, signed by the Applicant and be received by the Township Secretary within ten (10) days calendar days of receipt by the Applicant of the Board of Supervisor's decision to approve the plan shall be rescinded automatically upon the Applicant's failure to accept or reject such conditions in the manner and within the time frame noted herein unless a court determines said condition to have been invalid.

D. In the event the plan is denied, the decision of the Board of Supervisors shall specify the defects in the Application and describe the requirements that have not been met and shall, in each instance, cite the specific provisions of the Ordinance relied upon.

10. 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 to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees otherwise required by this Ordinance, the Applicant may deposit with the Township financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required in accordance with any land use ordinance.

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

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

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

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

F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Developer. Annually, the Township may adjust the amount of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90) day after either the original 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 assure that the financial security equals said one hundred and ten (110%) percent. Any additional security shall be posted by the Developer in accordance with this subsection.

G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Developer prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the 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 (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.

H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of the first financial security of to an amount not exceeding one hundred and ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding on (1) year period by using the above bidding procedure. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

I. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) days period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10%) of the estimated cost of the aforesaid improvements.

J. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to the 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 not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section

with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of the installation of said improvements.

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

L. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this Ordinance, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing stoned or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

### **Section 307. FINANCIAL SECURITY FOR PUBLIC IMPROVEMENTS.**

1. 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 to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees otherwise required by this Ordinance, the Developer may deposit with the Township financial security in an amount sufficient to cover the costs of such improvements or common amenities including roads, stormwater detention and/or other retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required in accordance with any land use ordinance. The Developer shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to PennDOT in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the State Highway Law (Act of June 1, 1945, P.L. 1242, No. 428).

B. As a condition of Final Plan approval, the Board of Supervisors may require a Developer to enter into a Developer's Agreement with the Township in those instances where the Developer intends or proposes to post financial security for the installation of public

improvements in lieu of constructing such improvements. In the event a Developer's Agreement is required by the Board of Supervisors as a condition of final plan approval, no final plan shall be recorded until such time as the Developer enters into said Agreement. The Developer's Agreement shall be in a form acceptable to the Township Solicitor and shall be acceptable to the Board of Supervisors in content.

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

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

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

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

G. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Developer. Annually, the Township may adjust the amount of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90<sup>th</sup>) day after either the original 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 assure that the financial security equals said one hundred and ten (110%) percent. Any additional security shall be posted by the Applicant in accordance with this Ordinance.

H. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Developer 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. Such estimate shall include reasonable inspection

fees, preparation of as-built plans and other related engineering costs associated with approval and acceptance of required improvements. 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 (3<sup>rd</sup>) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3<sup>rd</sup>) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Developer.

I. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from the posting of the first financial security of the posting of financial security or to an amount to exceeding one hundred and ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

J. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

K. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) days period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

L. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to the 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 not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Ordinance with regard to installation of such improvements, and the amount of the financial

security shall not exceed fifteen (15%) percent of the actual cost of the installation of said improvements.

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

N. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

## 2. Release of Financial Security.

A. When the Developer has completed all necessary and appropriate improvements, the Developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforementioned improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of the notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforementioned authorization from the Board of Supervisors; 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 statement of reasons for such nonapproval or rejection.

B. The Board of Supervisors shall notify the Developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.

C. If the Board of Supervisors of the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from all liability, pursuant to this performance guarantee bond or other security agreement.

D. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, 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 of Supervisors or the Township Engineer.

F. Where herein reference is made to the Township Engineer, he or she shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

G. The Developer shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to the current Engineer's fee schedule established by Resolution from time to time. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer for such work, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant thereto to the Township for comparable services when fees are not reimbursed or otherwise imposed on Developers.

H. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or for any phase thereof, the Township Engineer or professional consultant shall submit to the Township a bill for inspection services, specifically designated as Final Bill, which the governing body shall submit to the applicant. The Final Bill shall include all fees (inspection or otherwise) incurred through the release of financial security.

I. The Township shall submit to the Developer an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task.

i. In the event the Developer disputes the amount of any such expense in connection with the inspection of improvements, the Developer shall, no later than one hundred (100) days after the date of transmittal of a bill for inspection services, notify the Township and the Township Engineer that such expenses are disputed as unreasonable or unnecessary and shall set forth the basis for such dispute; in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any appeal or permit related to development due to the Developer's request over disputed engineer expenses. Failure of Developer to dispute a bill within one hundred (100) days after the date of billing shall be a waiver of Developer's right to dispute and arbitrate said bill.

ii. If the Township Engineer and the Developer cannot agree on the amount of expenses which are reasonable and necessary, then the Developer shall have the right, within one hundred (100) days of the transmittal of the final bill or supplement to the final bill to the Developer, to request the appointment of another professional consultant to serve as an arbitrator. The Developer and the Township Engineer or other professional consultant whose

fees are being challenged shall, by mutual agreement, appoint another engineer or professional consultant to review any bills the Developer has disputed and which remain unresolved and to make a determination as to the amount thereof which is reasonable and necessary. The arbitrator selected shall be of the same profession as the engineer or professional consultant whose fees are being challenged.

iii. The professional consultant so appointed as arbitrator shall hear such evidence and review such documentation as in his or her sole opinion deems necessary and render a decision within fifty (50) days of being appointed. Based upon the decision of the arbitrator, the Developer or the engineer/professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision, within sixty (60) days of the date of the decision. In the event the Township has paid the engineer or professional consultant an amount in excess of the amount determined to be reasonable and necessary, the engineer professional consultant shall reimburse to the Township the excess amount within sixty (60) days of such decision.

iv. In the event that the Township Engineer or professional consultant and Developer cannot agree upon the professional consultant to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer professional consultant, who, in that case, shall be neither an engineer or professional consultant who has been retained by, or performed services for, the Township or the Developer within the preceding five (5) years.

v. The fee of the arbitrator shall be paid by the Developer if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the Developer and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.

vi. In the event the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:

a. award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and

b. impose a surcharge of four (4%) percent of the amount found to be unreasonable or excessive to be paid to the party that paid the disputed fee.

vii. The Township or the Developer shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.



### Section 308. FINAL PLAN: SPECIFICATIONS

1. The Final Plan shall be drawn on reproducible material, no larger than 24" x 36" in size at a minimum scale of 1" equals 50', and shall show all items required for a preliminary plan as set forth herein, as well as the following:

- A. The designation "Final Plan".
- B. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves, and areas for all lots and total acreage.
- C. Location, dimensions, and purpose of easements, proposed and existing. Location and elevation of proposed roads, utilities, building sites, fills, flood or erosion protection facilities.
- D. Purpose for which sites other than residential lots are dedicated or reserved.
- E. Outline of the property from which the lot or lots are being subdivided, scale 1" equals 400', including bearings and distances of the property taken from the property deed including the primary control point.
- F. Building setback lines on all lots and other sites.
- G. Locations and descriptions of survey monuments. All permanent reference monuments shown by an "X" or other appropriate symbol.
- H. Existing buildings and other topography and the approximate location of all existing tree masses within the proposed subdivision.
- I. Certification by a registered surveyor or registered engineer, licensed in the state of Pennsylvania, certifying to accuracy of survey and plat.
- J. Certification of title showing that the applicant is the owner of land, agent of the land owner or tenant with permission of landowner.
- K. Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated.
- L. Signature Blocks for all approving or reviewing agencies.
- M. Proposed Protective Covenants running with the land, if any.

N. Proposed contours at vertical intervals of two (2) feet, or less as required by the commission.

O. Land Subject to Flooding

i. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life of property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses. As shall not be endangered by periodic or occasional inundation.

ii. Adequate Building Site – To insure that residents will have sufficient flood free land upon which to build a house the Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information. (For additional information see the Township flood insurance rate maps.)

iii. Street Elevation- The Planning Commission shall not recommend approval of streets subject to inundation of flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.

2. Other Data: The Final Plan shall be accompanied by the following data and plans:

A. Final plans and profile views of streets and alleys showing horizontal and vertical geometry at a scale no small than 1"=50' horizontal on 1"=5' vertical. Show Storm sewer and non-telecommunications utilities shall be shown within street plan and profile.

B. Typical Cross Section of streets, showing the width of right-of-way width of cartway, location and width of sidewalks and type of construction.

C. Plans and profiles of proposed sanitary and storm sewers and water distribution systems with grades of gravity systems material, diameter and location and nature of manholes and junctions indicated. Data shall include hydraulic capacity computations for storm sewer and other computations if deemed required by the Township.

D. A final Erosion and Sedimentation Control Plan and Report (E&S Plan) as submitted to and approved by the County Conservation District, and in accordance with 25 Pa. Code Chapter 102 and any successor Chapter(s), showing the location and types of erosion and sediment control measures together with a report, signed by the County Conservation District, indicating that the plan has been approved.

E. NPDES and other environmental permit approvals, if required.

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

G. Proof of Sewage Facilities Planning Module approval or exemption from DEP.

H. Such other certificates, affidavits, endorsements, or dedication as may be required by the Commission or the Township in the enforcement of these regulations.

I. Where a proposed public or private street connects to a state highway, a note on the plan giving notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before driveway access to a State highway is permitted.

J. All requirements of a Preliminary Plan.

K. 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 development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or a cooperative agreement of a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. Where applicable, provide correspondence from sanitary sewer, natural gas and electric utilities indicating each utility's intent and ability to serve the development.

### **Section 309. MODIFICATIONS AND WAIVERS.**

1. A Developer may request modifications or waivers from one or more provisions of this Ordinance. All requests for a modification or waiver shall be in writing and shall accompany and be a part of the Application. The request shall state in full the grounds and facts for such request, the specific provision(s) of the Ordinance which relief is requested and the minimum modification or waiver requested. The request for modification or waivers shall be reviewed by the Township Planning Commission, which shall make a recommendation to the Board of Supervisors to grant or deny such request. The Board of Supervisors, in its sole discretion, may grant such request if: 1) The request is not contrary to the public interest, 2) the purpose and intent of this Ordinance will be met and 3) One of the following three (3) conditions is found to have been met: a) literal enforcement of the provision(s) of this Ordinance would exact an undue hardship on Developer because of the peculiar conditions of the land to be subdivided or developed and not due to matters self-created by Developer and not financial in nature; b) such provision(s) are unreasonable or c) the Developer has proposed an alternative standard that will provide an equal or better result.

2. The decision of the Board of Supervisors shall be as follows:

A. In the event any modification or waiver is granted, the Board of Supervisors shall record its actions and the grounds for granting such modification or waiver in its minutes. The Board of Supervisors shall notify the Developer of the grant of such modification or waiver within fifteen (15) business days of the date of the Board's decision.

B. In the event a request for a modification or waiver is denied, the Board of Supervisors shall record its action and the grounds for such denial in the Board's minutes. The Board shall notify the Developer of denial of such request and the grounds for such denial within fifteen (15) business days of the Board's decision.

C. Any person aggrieved by the grant or denial of a request for modification of a waiver may appeal such decision to the Court of Common Pleas of Perry County as provided in the Pennsylvania Municipalities Planning Code, as amended and supplemented from time to time.

### **Section 310. RECORDING OF FINAL PLAN.**

1. Upon approval of a final plan, the Developer shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the governing body following completion of conditions imposed by for such approval by the Township, whichever is later, record such plan in the Office of the Recorder of Deeds in and for Perry County.

2. The Developer shall be responsible for all costs of recording of any plan(s).

3. Failure to record the final plan within the specified time periods shall cause the approved plan to become null and void.

## **ARTICLE 4: DESIGN STANDARDS**

### **Section 401. STREETS**

#### **1. General Standards**

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

A. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.

B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets.

C. When a new subdivision adjoins unsubdivided land appropriate for subdivision, then the new streets shall be carried to the boundaries of the tract to be subdivided. The owner of the unsubdivided land shall be given written notice of the pending Subdivision or Land Development by the applicant.

D. Existing Township roads are classified as Collector Streets.

E. Private rights-of-way of fifty (50) feet in width with no street surfacing requirements may be approved for three (3) dwelling units or less. Private streets within private rights-of-way shall be designed and installed per all Township requirements, except surfacing. Further subdivision in excess of the initial three (3) dwelling units using private street(s) or private right(s)-of-way shall not be permitted unless the initial private street(s) and private right(s)-of-way and any extensions thereof are dedicated, designed, and improved in accordance with Township requirements.

F. Sight distance must be provided with respect to both horizontal and vertical alignment. Sight distance shall conform to the requirements specified in the most current and applicable PennDOT publications addressing sight distance requirements.

2. Alleys

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

3. Intersections

Intersections involving the junction of more than two (2) streets are prohibited. Right-angle intersections must be used.

4. Intersection Curve Radii

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

<u>Intersection</u>	<u>Minimum Simple Curve Radius of Curb or Edge of Pavement</u>
Collector with Collector Street	Thirty-five feet (35')
Collector with Minor Street	Twenty-five feet (25')
Minor Street with Minor Street	Fifteen feet (15')

5. Intersection Sight Distance

Proper sight lines must be maintained at all intersections

A. Where intersections occur between streets there must be a clear sight triangle of seventy-five (75) feet based on the measurement along the centerline of the streets four feet above the centerline. No building or obstruction shall be permitted in this area.

B. Intersection sight distances for streets, alleys and driveways shall conform to the most current and applicable PennDOT publications addressing sight distance.

C. Where intersections occur between proposed new streets or driveways providing access to separate parcels of land and State Highways (Legislative Routes, Pennsylvania Routes and United States Routes) or Arterial Streets sight distance shall be provided in accordance with the requirements of the Pennsylvania Department of Transportation.

#### 6. Streets Not in Alignment

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

#### 7. Curves

Where connecting street tangents deflect horizontally from each other at any one point, the line must be connected with a circular curve per applicable PennDOT standards but with a centerline radius of no less than 300 feet for Collector Streets and no less than 150 feet for Minor Streets.

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

#### 8. Street Widths

A. Minimum street right-of-way and cartway widths shall be as follows:

<b>Arterial Street</b>	*As determined by the Commission after consultation with the Pennsylvania Department of Transportation
Right-of-way	
Shoulders	
Cartway	
<b>Collector Streets</b>	
Right-of-Way	60 feet
Shoulders	16 (8' each side) feet
Cartway	20 feet
<b>Minor Streets</b>	
Right-of-Way	50 feet
Shoulders	16 (8' each side) feet
Cartway	18 feet

**Cul-de-Sac (diameter)**

Right-of-Way	100 feet
Cartway	80 feet
Shoulders	16 (8' each side) feet

**Alley or Service Drive**

Right-of-Way	20 feet
Cartway	16 feet

B. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township Supervisors in specific cases for:

- i. Public safety and convenience.
- ii. Parking in commercial and industrial areas and in areas of high density development.
- iii. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

C. When the subdivision or land development is proposed fronting on an existing street, except for a state highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be shown on the Final Plat.

9. Cul-de-sacs

Cul-de-sacs, designed to be so permanently, shall not exceed seven hundred (700) feet in length, and shall be provided with a turn around having minimum dimensions for right-of-way and cartway widths as indicated in the preceding section.

10. Street Grades

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

<u>Type of Streets</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Arterial	1.0%	As determined by the Commission after consultation with PennDOT
Collector Streets	1.0%	7%

Minor Streets	1.0%	10%
Alleys	1.0%	12%

B. Vertical curves shall be used in changes of grade and shall be designed per applicable PennDOT requirements for vertical curves, including sight distance. Intersections shall be approached on all sides by leveling areas. Where the grades exceed seven (7%) percent, within 100' of the intersection such leveling areas shall have a minimum length of sixty (60') feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of four (4%) percent.

#### 11. Slope of Banks Along Streets

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

A. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.

B. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

C. Streets shall have adequate clear recovery zone in accordance with applicable PennDOT standards.

#### 12. Names of streets

Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "lane", "drive", "way", "court", "avenue". In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of continuation or alignment with an existing or platted street.

### Section 402. EASEMENTS

1. The minimum width of easements shall be fifteen (15) feet for underground public facilities and twenty-five (25) feet for drainage facilities. Wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Supervisors, depending on the purpose of the easement.

2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating or protecting such drainage facilities, or for the purpose of installing a storm water sewer.



3. Applicant shall provide the Supervisors with a statement from the Utility Company as to easement adequacy, if requested by Supervisors.

### **Section 403. BLOCKS**

Blocks shall not exceed sixteen hundred (1600') feet in length and shall be of sufficient depth to permit two (2) tiers of lots, except as otherwise provided herein.

### **Section 404. LOTS**

See the Howe Township Zoning Ordinance, as amended from time to time.

### **Section 405. GRADING AND DRAINAGE**

In order to provide more suitable sites for building and other uses, improve surface drainage and control erosion the following requirements shall be met:

1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board of Supervisors.
2. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet. Where drainage swales are used to divert surface waters away from buildings, they shall be lined as required, and shall be of such slope, shape and size as to conform to the requirements established by the Township Supervisors.
3. Concentration of surface water runoff shall only be permitted in swales or watercourses.
4. Driveways and streets shall be designed and constructed to prevent water runoff flowing directly onto the streets they intersect with.
5. Excavation and Fills:
  - A. Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing except as approved by the Board of Supervisors when handled under special conditions.
  - B. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
  - C. Cut and fills shall not endanger adjoining property.

D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

E. Fills shall not encroach on natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

F. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

G. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Board of Supervisors and other landowners.

H. During grading operations, necessary measures for dust control shall be exercised.

I. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

#### **Section 406. FIRE HYDRANTS.**

All subdivisions and land developments that will be served by a central water supply or public water shall provide fire hydrants as needed so that hydrants are spaced at a maximum distance of 750 feet apart, as measured along vehicle travel distances. Such fire hydrants shall have connections compatible with those used by fire companies serving the Township.

### **ARTICLE 5: STORMWATER MANAGEMENT**

#### **Section 501. PURPOSE.**

The purpose of this Article is to promote the public health, safety and welfare by establishing a comprehensive stormwater management program designed to:

1. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
2. Utilize and preserve the desirable existing natural drainage systems within the Township.
3. Encourage recharge of groundwaters.
4. Maintain the existing flow and quality of watercourses in the Township and the Commonwealth.
5. Preserve and restore the flood carrying capacity of watercourses.

6. Provide for proper maintenance of all permanent stormwater management facilities which are constructed in the Township.

#### **Section 502. APPLICABILITY.**

The provisions, regulations, limitations and restrictions of this Article shall apply to the following activities:

1. Development of any commercial use, industrial use, multifamily dwelling unit, mobile home park, school, church, lodge, club, or any other use determined by the Board of Supervisors to be of similar character.

2. Development of any use where the total combined area of all proposed impervious and semipervious surfaces amounts to: (1) more than five thousand (5,000) square feet, or (2) more than forty (40) percent of the total area of development (excluding undeveloped or future development areas); whichever is the lessor.

3. Development of any kind where a preliminary subdivision or land development plan is required by the Township Subdivision and Land Development Ordinance.

4. Diversion or piping of any natural or manmade stream channel.

5. Installation of stormwater runoff systems or appurtenances thereto.

6. Removal of ground cover, grading, filling or excavation in excess of five thousand (5,000) square feet except for agricultural use of land when operated in accordance with a farm conservation plan approved by the Perry County Conservation District. It is the express intention of this subsection only to provide for Township review and approval of such activities in excess of five thousand (5,000) square feet under this Article. This subsection shall not be interpreted to impair or limit the applicability of any other ordinance, regulation or statute including, but not limited to, the Clean Streams Law, Chapter 102 of DEP's regulations, the Federal Clean Water Act, NPDES requirements and removal of ground cover, grading, filling or excavation, regardless of area, shall be performed in accordance with Chapter 102 and all other applicable statutes and regulations.

7. Any other development where the Board of Supervisors determines that said development may adversely affect any existing watercourse, any existing stormwater management facilities or any existing stormwater runoff patterns.

#### **Section 503. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.**

Approvals issued pursuant to this Article do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of stormwater or erosion

and sedimentation control or contained in other codes, rules, acts or ordinances, the more stringent regulation shall apply.

#### **Section 504. STORMWATER MANAGEMENT DISTRICTS.**

The Township shall comply with the applicable provisions of the Perry County Storm Water Management Plan upon adoption of said plan.

#### **Section 505. GENERAL REQUIREMENTS.**

1. The calculated peak rates of runoff for stormwater originating on the project site must meet the following conditions for all watersheds flowing from the project site:

A. The two (2) year post-development peak flow must be less than or equal to the two (2) year pre-development peak flow.

B. The ten (10) year post-development peak flow must be less than or equal to the ten (10) year pre-development peak flow.

C. The twenty-five (25) post-development peak flow must be less than or equal to the twenty-five (25) year pre-development peak flow.

D. The one hundred (100) year post-development peak flow must be less than or equal to the one hundred (100) year pre-development peak flow.

2. All stormwater management plans shall be designed and certified by individuals registered in the Commonwealth of Pennsylvania and qualified to perform such duties. All stormwater design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.

3. Where applicable, stormwater management facilities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environment Protection.

4. Stormwater management facilities which involve a State highway shall also be subject to the approval of PennDOT.

5. Stormwater management facilities located within or affecting the floodplain of any watercourse shall also be subject to the requirements of any other Howe Township ordinance, which regulates construction and development within areas of the Township subject to flooding.

6. Stormwater runoff from a project site shall flow directly into a natural watercourse or into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics of the pre-development flow.

7. Stormwater runoff shall not be transferred from one (1) watershed to another unless the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property, or the effect of the transfer does not alter the peak rate of discharge onto adjacent lands.

8. All stormwater runoff flowing over the project site shall be considered in the design of the stormwater management facilities.

9. Innovative methods for the detention and control of stormwater runoff may be used when approved by the Township. 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 stormwater management systems where appropriate:

- A. Detention basins and retention basins.
- B. Roof-top storage.
- C. Parking lot ponding.
- D. Seepage pits, seepage trenches or other infiltration structures.
- E. Concrete lattice block surfaces.
- F. Grassed channels and vegetated strips.
- G. Cisterns and underground reservoirs.
- H. Routed flow over grass.
- I. Decreased impervious surface coverage.

#### **Section 506. METHODS OF CALCULATION OF RUNOFF.**

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

A. The USDA Soil Conservation Service Soil-Cover Complex Method as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55, as published by NRCS.

B. For Drainage areas 20 acres or less - The Modified Rational Method in which the duration at the runoff event hydrograph is  $10 \times T_c$  to account for the runoff volume guaranteed. However, the rainfall intensity shall be determined using a duration of  $1 \times T_c$ . The peak rate of runoff shall not be suppressed. Modified Rational Hydrographs shall not be combined based upon timing.

C. Any other method approved by the Township.

If the Soil-Cover-Complex Method is used, storm water runoff shall be based on the following twenty-four (24) hour storm events:

Storm Event	Inches of Rainfall
2 years	2.92
5 years	3.61
10 years	4.50
25 years	5.10
50 years	5.90
100 years	6.83

If the Modified Rational Method is used, the rainfall data for Region 3, shown in the latest edition of PennDOT Publication 584, PennDOT Drainage Manual, or successor publication, shall be used.

2. Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and grades, sizes and capacities of water carrying structures, sediment basins, retention 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. Post-development times of concentration shall not be greater than Pre-Development times of concentration.

3. For the purpose of calculating pre-development onsite peak discharges, all onsite runoff coefficients and/or curve numbers shall be based on actual land use assuming good land conditions. Runoff coefficients and/or curve numbers for offsite discharges used to design facilities shall be based on actual land use assuming winter or poor land conditions.

#### **Section 507. ONE HUNDRED (100) YEAR FLOODPLAIN DELINEATION.**

1. Floodplain areas shall be established and preserved as provided below if required by Township:

A. A one hundred (100) year floodplain shall be established for all watercourses and shall be delineated by one (1) of the following methods:

i. A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.

ii. A hydrologic report prepared by an agency of the County, State or U.S. government.

B. Whenever a floodplain is located within or along a lot, the plan shall include the boundary of the floodplain, along with the elevation and locational dimensions from the centerline of the watercourse, a plan note that the floodplain shall be kept free of all structures, fill and other encroachments and a plan note that floor elevations for all structures adjacent to the floodplain shall be two (2) feet above the one hundred (100) year flood elevation.

C. The above provision shall not be construed as a prohibition of the following; provided, they comply with subsection:

- i. Stormwater management facilities.
- ii. Stream improvements whose sole purpose is to improve aquatic life habitat and which are approved by the Pennsylvania Fish Commission.
- iii. Farm ponds.
- iv. Flood-proofing and flood hazard reduction structures to protect existing buildings.
- v. Public and private utility facilities, except buildings.
- vi. Water oriented uses (except buildings), e.g., docks, piers, boat launching ramps, hatcheries.
- vii. Water monitoring devices.
- viii. Culverts, bridges and their approaches for floodplain crossings by streets, access drives and driveways.

D. Plans for any of the eight (8) uses within a floodplain permitted under subsection (C) shall demonstrate that the proposed uses do not increase the height or frequency of flooding, are installed so as to withstand the maximum volume, velocity and force of floodplain water, are flood and flotation proof, do not create unhealthy or unsanitary condition and do not degrade quality of surface water or groundwater.

2. The boundaries of the one hundred (100) year floodplain shall be staked prior to any onsite construction or excavation if required by Township.

#### **Section 508. DESIGN STANDARDS: WATER CARRYING FACILITIES.**

1. All storm sewer pipes, culverts, bridges, open channels, swales and other water carrying facilities (excluding detention and retention basins) conveying water originating only from within the boundaries of the project site shall be designed for a twenty-five (25) year storm event. All storm sewer pipes, culverts, bridges, open channels, swales and other water carrying facilities (excluding detention and retention basins) conveying water originating from off-site shall be designed for a fifty (50) year storm event. In all cases the design must show that the one

hundred (100) year storm water runoff will be conveyed safely and without property damage through the project site.

2. All storm sewer pipes, culverts, manholes, inlets, endwalls and end-sections shall be constructed in accordance with PennDOT Publication 72, RC Standards, latest editions, and successor publications. All stormwater design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.

3. Storm sewer pipes and culverts, other than those used as basin outlets, which are intended to be dedicated to the Township shall be made of reinforced concrete or smoothlined high density polyethylene, and shall have a minimum diameter of fifteen (15) inches and shall be installed on sufficient slope to provide a minimum velocity of three (3) feet per second when flowing full. All pipes shall be installed per the manufacturer's specifications.

4. All storm sewer pipes and culverts shall be laid to a minimum depth of one (1) foot from subgrade to the crown of pipe.

5. Headwalls and endwalls shall be used where stormwater runoff enters or leaves the storm sewer horizontally from a natural or manmade channel. Type "D" or "DW" endwalls shall be utilized.

6. Inlets shall be placed on low spots in streets, at a minimum spacing of four hundred (400) feet along any storm sewer run, at points of changes in the horizontal or vertical directions of storm sewers, and at points where the gutter depth during the 25-year event is greater than 3 inches. Inlets shall be placed along the curb line at or beyond the curb radius points and shall be depressed 2 inches below the gutter elevation. Manholes may be placed where inlets are not required.

7. Stormwater roof drains and pipes, wherever possible, shall discharge water into a stormwater runoff dispersion and infiltration control device and not into storm sewer or street gutters. In no case shall any roof drain discharge within a street right-of-way.

8. 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 Township.

9. Flow velocities from any storm sewer may not result in a deflection of the receiving channel.

10. Energy dissipators shall be placed at the outlets of all storm sewer pipes, culverts and bridges where flow velocities exceed maximum permitted channel velocities.

11. The following conditions shall be met for all swales:



standards:

- A. The maximum water depth shall not exceed six (6) feet.
  - B. The minimum top width of all berms shall be five (5) feet.
  - C. The side slopes shall not be less than three (3) horizontal to one (1) vertical.
  - D. One foot of freeboard over the 100 year storm water surface elevation passing through the emergency spillway with a blocked primary outlet structure shall be provided.
  - E. 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. An emergency spillway shall be provided for the basin and shall be capable of discharging the one hundred (100) year peak rate of runoff which enters the basin after development, in a manner which will not damage the integrity of the facility and will not create a downstream hazard. Where practical, the emergency spillway shall be constructed in undisturbed soil.
  - F. All basins shall include an outlet structure to permit draining the basin to a completely dry position within twenty-four (24) hours following the end of the design rainfall.
  - G. A cutoff trench of relatively impervious 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.
  - H. All structures passing through basin embankments shall have properly spaced cutoff collars and "O-ring" rubber gaskets.
  - I. All discharge control devices with appurtenances shall be made of reinforced concrete, stainless steel, galvanized steel or aluminum.
  - J. Minimum slope within a basin shall be as approved on NPDES permit.
2. The effect on downstream areas if the basin embankment fails shall be considered in the design of all basins. Where possible, the basin shall be designed to minimize the potential damage caused by such failure of the embankment.
3. 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.
4. All stormwater design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.

**Section 510. GENERAL REQUIREMENTS.**

Prior to the final approval of any subdivision or land development plan, or the issuance of any permit, or the commencement of any development within the jurisdiction of this Article, the developer shall submit a stormwater management plan to the Township for approval.

**Section 511. EXEMPTIONS.**

1. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Perry County Conservation District. The agricultural activities such as growing crops, rotating crops, tilling of soil and grazing animals and other activities are specifically exempt from complying with the requirements of this Article.

2. Forest management operations which are following the DEP management practices contained in its publication Soil Erosion and Sedimentation Control Guidelines for Forestry and are operating under an erosion and sedimentation control plan.

**Section 512. STORMWATER PLAN CONTENTS.**

The following items shall be included in the storm water management plan. 1. Plans showing the following information:

A. General.

1. All plans shall be on sheet sizes not larger than 24" x 36".
2. Proposed name or identifying title of project.
3. Name and address of the landowner and developer of the project site.
4. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be a scale of ten (10), twenty (20), forty (40) or fifty (50) feet to the inch.
5. Total acreage of the project site and the tract of land on which the project site is located.
6. A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and Township boundaries existing within one thousand (1,000) feet of any Article of the tract of land on which the project site is proposed to be developed.

B. Existing Features.

1. Tract boundaries showing distances, bearings and curve data, as located by field survey or by deed plotting.
2. Existing contours at vertical intervals of two (2) feet for land with an average natural slope of four (4) percent or less and at vertical intervals of five (5) feet for more steeply

D. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be a scale of ten (10), twenty (20), forty (40) or fifty (50) feet to the inch.

E. Total acreage of the project site and the tract of land on which the project site is located.

F. A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and Township boundaries existing within one thousand (1,000) feet of any Article of the tract of land on which the project site is proposed to be developed.

## 2. Existing Features.

A. Tract boundaries showing distances, bearings and curve data, as located by field survey or by deed plotting.

B. Existing contours at vertical intervals of two (2) feet for land with an average natural slope of four (4) percent or less and at vertical intervals of five (5) feet for more steeply sloping land, except that for residential and agricultural uses where a preliminary subdivision or land development plan is not required by the Township Subdivision and Land Development Ordinance no contours shall be required; however, the plan should indicate the natural drainage patterns of the site along with the approximate grade of all slopes. Where contours are shown, the location of the benchmark and the datum used shall also be indicated.

C. The names of all owners of all immediately adjacent unplatted land, the names of all proposed or existing developments immediately adjacent, and the locations and dimensions of any streets or easements shown thereon.

D. The names, locations and dimensions of all existing streets, railroads, watercourses, drainage facilities, floodplains and other significant features within two hundred (200) feet of any Article of the tract proposed to be developed and the location of all buildings and approximate location of all tree masses within the tract.

E. Soil types as designated by the USDA SCS Soil Survey of Cumberland and Perry Counties. The proposed land use, the number of lots and dwelling units and the extent of commercial, industrial or other nonresidential uses.

## 3. Proposed Features.

A. The proposed land use, the number of lots and dwelling units and the extents of commercial, industrial, or other non residential uses.

B. The locations and dimensions of all proposed streets, parks, playgrounds and other public areas, sewer and water facilities; lot lines and building locations, and parking compounds and other impervious and semipervious surfaces.

C. The proposed changes to land surface and vegetative cover including areas to be cut or filled.

D. Final contours at vertical intervals of two (2). Where existing contours are not shown or where proposed contour lines cannot be accurately located (i.e., as in a single family detached residential development when the building has not been determined), arrows indicating general surface runoff flow patterns shall be shown.

#### 4. Stormwater Management Facilities.

A. All storm sewers along with any proposed connections to existing facilities.

B. Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.

C. Other control devices or methods such as roof-top storage, grass swales, parking lot ponding, vegetated strips, and detention or retention basins.

D. Plans and profiles of all proposed stormwater management facilities including vertical and horizontal alignment, size and type of material. This information shall be of the quality required for the construction of all facilities.

E. When plan applications, whether preliminary or final, are submitted in sections, a generalized stormwater management plan for the entire project site shall be submitted in addition to the detailed stormwater management plan for the proposed section. This generalized plan shall demonstrate how the stormwater of the proposed section will relate to the entire development. The amount and velocity at the discharge point 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.

F. A note on the plan indicating any area that is not to be offered for dedication along with a statement that the Township is not responsible for maintenance of any area not dedicated to and accepted for public use, and that no alteration to swales, or basins, or placement of structures shall be permitted within easements.

G. A certificate, signed and sealed, stating, "I, (plan preparer), do hereby certify to the best of my knowledge, information, and belief, that the information contained in the accompanying plans, specifications, and report have been prepared in accordance with accepted engineering practice and the Howe Township Subdivision and Land Development Ordinance, are true and correct." by an individual registered in the Commonwealth of Pennsylvania and

qualified under all applicable local and State laws to perform such duties, indicating the compliance of the design of stormwater management facilities with the provisions of this Article.

5. Written report, including the following information:

A. Stormwater runoff calculations for both pre-development and post development conditions.

B. An ownership and maintenance program that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion and sedimentation control facilities, including:

i. Description of temporary and permanent maintenance requirements.

ii. Identification of a responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sedimentation control facilities.

iii. Establishment of suitable easements for access to all facilities.

iv. The intent of these regulations is to provide private ownership and maintenance of stormwater management and erosion and sedimentation control facilities. Where the stormwater management plan proposes that the Township own or maintain the facilities, a description of the methods, procedures, source of funds to maintain the facilities and the extent to which any facilities shall be turned over to the Township shall be incorporated as an integral Article of the plan.

6. Maintenance guarantee, as set forth in Section 514 or 515 of this Article.

7. A DEP permit for any stormwater management facility requiring a permit to be issued by DEP.

### **Section 513. MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES DURING DEVELOPMENT.**

1. Maintenance of stormwater management facilities during development of a project site shall be the responsibility of the developer and the landowner.

2. Maintenance of stormwater management facilities during development of a project site shall include, but not be limited to:

A. Removal of silt from all debris basins, traps or other structures or measures when sixty (60) percent of capacity is filled with silt; provided, however, that in no case shall the sediment level be permitted to build up higher than one (1) foot below the principal outlet crest. At this elevation, clean out shall be performed to restore the original design volume

to the basin or other structure. The elevation corresponding to the maximum allowable sediment level shall be determined and stated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the rise to enable proper maintenance.

B. Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures.

C. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established.

D. Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.

E. Removal of all temporary stormwater management control facilities upon installation of permanent stormwater management facilities at completion of the development.

#### **Section 514. MAINTENANCE OF FACILITIES BY PRIVATE ENTITY.**

In cases where permanent stormwater management facilities are to be owned by a private entity (such as a homeowner's association), such entity shall be responsible for maintenance of the facilities. In this case a legally binding agreement between the entity and the Township shall be made providing for maintenance of all permanent stormwater management facilities, and allowing inspection by the Township of all such facilities deemed critical to the public welfare at any reasonable time.

#### **Section 515. MAINTENANCE OF FACILITIES BY LANDOWNER OF INDIVIDUAL LOT**

1. When stormwater management facilities are to be located on an individual lot, and when they are the responsibility of that landowner to maintain, a description of the facility and the terms of the required maintenance shall be shown on the stormwater management plan and shall be incorporated as part of the deed to the lot.

2. Stormwater management facilities existing on the effective date of this subsection on individual lots which have not been accepted by the Township or for which maintenance responsibility has not been assumed by private entity such as a homeowner's association shall be maintained by the individual property owners.

3. If the Township determines at any time that any permanent stormwater management facility has been eliminated, altered or improperly maintained, the landowner of the lot shall be advised of corrective measures required and given a reasonable period of time, not to exceed thirty (30) days, within which to take such corrective action. If such corrective action is not taken by the landowner, the Township may cause the work to be done and shall take appropriate action to file a municipal claim pursuant to the Pennsylvania Municipal Claims and Tax Liens Act, Act of May 15, 1923, Pl. 207, as amended and supplemented, as a lien against the real property upon which the work was done.

**Section 516. RIGHT-OF-ENTRY ONTO PROPERTY.**

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

**ARTICLE 6: DEVELOPMENT AND CONSTRUCTION REQUIREMENTS**

**Section 601. REQUIREMENT OF SUBDIVIDER**

The developer shall provide all improvements required by these regulations.

**Section 602. MONUMENTS AND MARKERS**

1. Monuments must be set:
  - A. At the intersections of all proposed street right-of-way lines.
  - B. At every third intersection of lines forming angles in the boundaries of the subdivision; however, there shall be a minimum of three.
  - C. At such intermediate points as may be required by the Engineer.
2. Markers must be set:
  - A. At all lot corners except those monumented.
  - B. By the time the property is offered for sale.
3. Monuments and markers shall be made of the following size and material:
  - A. Monuments shall be six (6) inches square or four (4) inches in diameter and shall be thirty (30) inches long. Monuments shall be made of concrete.
  - B. Markers shall be three quarters (3/4) of an inch square or three quarters (3/4) of an inch in diameter, thirty (30) inches long. Markers shall be of steel bars.
4. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They may be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass-plate of dowel set in concrete.

**Section 603. STREET SURFACING**

**1. Pavements**

Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Supervisors. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street, acceptable to the supervisors. Travel lanes shall be constructed with a two (2%) percent slope away from the centerline of the street.

The pavement base and wearing surface must be in accordance with, and constructed in accordance with the Pennsylvania Department of Transportation, Publication 408 Specification, as amended.

<u>Pavement*</u>	<u>Type</u>	<u>Minor Streets</u>	<u>Collector Streets</u>
Wearing	Superpave 9.5 mm-max	1 1/2"	1 1/2"
Base	Superpave 25 mm-max	4"	5"
Subbase	2A Modified	6"	6"

\* Township may require formal pavement design.

For the Construction of arterial roads or highways, the Developer shall consult the Commission and be governed by the Pennsylvania Department of Transportation Specifications for the method of construction to be used.

The Supervisors shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision in which case the applicant is responsible for paving the additional width required.

**2. Shoulders**

The shoulders shall be the same type and depth of material specified for the cartways. Shoulders shall be constructed with a four (4%) percent slope away from the centerline of the street.

**3. Driveway Entrances**

A. Where a proposed driveway provides access onto a Township road a permit shall be required to connect said driveway. Construction shall be in accordance with Howe Township Driveway Ordinance.

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



## **Section 604. SEWERS AND WATER**

1. Where a public sanitary sewer system is within one thousand (1,000) feet of, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of, a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system as designed by a Registered Engineer, if, in the Township Supervisors opinion, it is feasible.

2. Where the installation of a sanitary sewer system is not required, the Subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private on-lot sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection and shall be approved by the Township Sewage Enforcement Officer.

3. Where a water main supply system is within one thousand (1,000) feet of, or where plans provide for the installation of such public water facilities the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water supply system in accordance with the Township specifications.

4. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection, as to source and installation.

5. Water supply facilities will be designed so as to provide adequate supply and pressure for domestic use and for fire fighting purposes as determined by the Township Engineer.

## **Section 605. CURBS**

Wherever a proposed subdivision or land development shall average one of more lots per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within one thousand (1,000) feet of any existing or recorded subdivision having curbs, curbs shall be installed on each side of the street surface in accordance with the Township specifications. The Township Supervisors may require installation of curbs in any subdivision where the evidence indicates that such improvements are necessary for proper drainage.

Curbs shall be plain cement concrete and shall be constructed according to the specifications of the PennDOT, Publication 72, RC Standards, latest editions or successor publications.

## **Section 606. SIDEWALKS**

Wherever a proposed subdivision shall average one or more lot per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within one thousand

(1,000) feet of, any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Township specifications. The Township may require installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for the public safety.

1. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.

2. Sidewalks must be at least four (4) feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, sidewalks must be at least five (5) feet wide and located within the street right-of-way. Sidewalks shall be constructed with a cross slope of two (2%) away from the right-of-way line.

3. Sidewalks shall be constructed according to the specification as forth in Section 676 "Cement Concrete Sidewalks" in the Pennsylvania Department of Transportation Publication 408 Specifications, as amended.

#### **Section 607. STREET NAME SIGNS**

The Subdivision or Land Development shall be provided with street name signs at all intersections. Such signs shall be reflective and shall be eight (8") inches high with white letters and a green background. Street signs shall be installed by the Subdivider or Developer at his expense in a manner specified by the Township Engineer. Street names shall be subject to approval by the Governing Body and the postal authorities.

#### **Section 608. STREET SIGNAGE**

The Subdivision or Land Development shall be provided with street signage (stop signs, speed limit signs, warning signs, etc.) as required by the Township Engineer. Street signs shall conform to the specifications of latest version of applicable PennDOT publications. Street signs shall be installed by the Subdivider or Developer at his expense in a manner specified by the Township Engineer.

#### **Section 609. PAVEMENT MARKINGS**

Any street proposed to be dedicated to the Township shall have a single four inch (4") yellow paint line applied to the centerline of the pavement and a single four inch (4") white paint line applied to each side delineating the separation of the travel lane from the shoulder. All pavement marking specifications shall conform with PennDOT Pub. 408, as amended.

#### **Section 610. AS-BUILT PLANS**

The Subdivider or Developer will furnish the Township with as-built plans for streets, water systems, sanitary sewer systems and storm sewer systems within the Subdivision or Land Development.

## ARTICLE 7: MOBILE HOME PARKS

### **Section 701. GRANT OF POWER**

The governing body of each municipality may regulate subdivisions and land development within the municipality by enacting a subdivision and land development ordinance. Provisions regulating mobilehome parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code" Act 247, as amended by Act 93, 1972, Article V, Section 501.

### **Section 702. PURPOSE AUTHORITY, AND JURISDICTION**

The purpose, authority and jurisdiction for land development as a mobilehome park are the same as contained in Article I of this Ordinance.

### **Section 703. DEFINITIONS**

For the definition of words related to land development as a mobilehome park, the definitions contained in Article II of this ordinance shall apply. For convenience the definitions related to mobilehomes are repeated here.

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

2. Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

3. Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

### **Section 704. PLAN REQUIREMENTS AND PROCESSING PROCEDURE**

The plat requirements and processing procedure for land development as a mobilehome park shall be in accordance with the requirements contained in Article 3 of this Ordinance. It is noted that prior to the start of construction of a mobilehome park the requirements of Department of Environmental Protection Chapter 179, Title 25 Rules and Regulations, as amended, must be fulfilled by the developer.

**Section 705. DESIGN STANDARDS**

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

1. Street Widths in Mobilehome Parks

A. The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

<u>Street Type</u>	<u>Width Types</u>
Collector Streets	
Right-of-Way	60 feet
Cartway	24 feet
Shoulders	8 feet on each side
Minor Streets	
Right-of-Way	50 feet
Cartway	18 feet
Shoulders	8 feet on each side

B. Provisions for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township Supervisors in specific cases for:

- i. Public safety and conveniences.
- ii. Where the number of mobilehomes proposed to be located in a mobilehome park exceeds one hundred (100) units.
- iii. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

2. Lots in Mobilehome Parks

A. On land laid out as a mobilehome park not served by public or mobilehome park water system and public or park sewerage collection and treatment system, the land meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall not be less than one hundred (100) feet wide measured at the minimum required setback line nor less than forty-three thousand, five hundred sixty (43,560) square feet in area per mobilehome unit, exclusive of streets and other public uses.

B. On land laid out as a mobilehome park, served by public or mobilehome park water system and not by public or park sewerage collection and treatment system, the land

meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall be not less than eighty-five (85) feet wide measured at the minimum required setback line nor less than twenty thousand (20,000) square feet in area, per mobilehome unit, exclusive of streets and other public uses.

C. On land laid out as a mobilehome park, served by both public or mobilehome park water system and public or mobilehome park sewerage collection and treatment system acceptable to the Department of Environmental Resources, the lots shall be not less than sixty (60) feet wide measured at the minimum required setback line nor less than seventy-two hundred (7,200) square feet in area, per mobilehome unit exclusive of streets and other public areas.

3. Building Setback Lines

A. In a mobilehome park, the minimum setback line from the right-of-way line of a dedicated public street shall be as follows:

<u>Street Type</u>	<u>Minimum Setback from the required right-of-way</u>
Arterial Highway	Fifty (50) feet
Collector Street	Forty (40) feet
Minor Street	Thirty (30) feet

B. In a mobilehome park the setback lines on a private street shall be as follows:

<u>Street Type</u>	<u>Minimum Setback from the required right-of-way</u>
Collector Street	Twenty-Five (25) feet
Minor Street	Twenty (20) feet

4. Side and Rear Building Lines.

A. In a mobilehome park, side and rear building lines shall not be less than fifteen (15) feet from the side and rear lot lines of each mobilehome lot, and not less than twenty-five (25) feet from the mobilehome park property lines on the sides and rear not adjacent to a dedicated public street right-of-way.

5. Off-Street Parking Requirements

A. In a mobilehome park, paved off-street parking areas shall be provided at the rate of at least two (2) vehicular parking spaces for each mobilehome lot.

B. Each such off-street parking space shall contain at least two hundred (200) square feet and shall be located within three hundred (300) feet of the mobilehome lot it is intended to serve.

6. Park Areas for Non-Residential Uses.

A. In a mobilehome park no part of the park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and of park residents and for management and maintenance of the park.

**Section 706. IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS.**

In a mobilehome park all improvements, construction requirements, and, engineering specifications for the improvements required, shall be provided in accord with Article 6 of this ordinance and shall also provide the following additional improvements:

1. Buffer Strips

A. In a mobilehome park, a suitably screened or landscaped buffer strip approved by the Township Supervisors shall be provided by the developer along all the property lines separating the mobilehome park from adjacent uses.

2. Signs and Lighting

A. Signs may be permitted subject to the approval of the Supervisors.

B. All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

3. Walks

A. General Requirements: All walks shall provide safe, convenient all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobilehomes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. Common Walk System: Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such walks shall have a minimum width of three and on-half (3 1/2) feet.

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

A. Each mobilehome stand shall be provided with at least four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobilehome drain outlet will approximate a vertical position.

B. The sewer connection (see definition) shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All joints shall be watertight.

C. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.

D. Provision shall be made for plugging the sewer riser pipe when a mobilehome does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 2 inches above ground elevation.

## 2. Sewer Lines

Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least ten (10) feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth a minimum of 12" above and to the one side of the caulked tight sewer line. All sewer lines shall be constructed of approved materials by the Pennsylvania Department of Environmental Protection and shall have watertight joints.

## 3. Sewage Treatment and/or Discharge

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

## **Section 708. ELECTRICAL DISTRIBUTION SYSTEM**

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

### 1. Power Distribution – Lines

A. Power lines shall be located underground.

B. All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines.

2. Required Grounding

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

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

**Section 709. SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES IN MOBILEHOME PARKS**

1. Structural Requirements for Building

A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

B. All structures containing laundry and/or toilet facilities shall:

i. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.

ii. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than five (5) percent of the floor area served by them.

iii. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

iv. Toilets shall be located, each in a separate compartment equipped with a self-closing door.

**Section 710. REFUSE DISPOSAL**

The storage, collection and disposal of refuse in the mobilehome park shall be so managed as to create no health hazards or air pollution.

All refuse shall be stored in flytight, watertight, rodent-proof Containers, which shall be located not more than 150 feet away from any mobilehome space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania



Department of Environmental Protection. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

### **Section 711. FIRE PROTECTION**

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

### **Section 712. FUEL SUPPLY AND DISTRIBUTION**

All piping from outside fuel storage tanks or cylinders to mobilehomes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. Any gas storage tanks or cylinders shall be securely fastened in place and shall not be located inside of beneath the mobilehome or less than five (5) feet from any mobilehome exit.

### **Section 713. OTHER SITE IMPROVEMENT**

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

E. Inspecting public improvements during construction and to release financial security as requested.

F. Final inspection on completion of required improvements.

G. Other engineering verifications and administrative work required by this Ordinance.

H. Fees of professional consultants, including, but not limited to solicitor/legal fees for review of easements, improvements agreements, and legal issues associated with plan.

Such estimate of fees shall be provided to the Developer in writing and Developer shall, within thirty (30) days of the date of the estimate, place in escrow with the Township such amount. Such escrow shall be maintained in its own non-interest bearing account in the name of the Township and shall not be co-mingled with any other monies of the Township or any other escrow account established for any other project.

As review fees are incurred for the Preliminary or Final Plan submitted, such fees shall be invoiced to the Developer in writing on no less than a monthly basis. Developer shall be entitled to dispute said fees in accordance with the procedure set forth in Section 307 of this Ordinance. If the Developer does not dispute the invoice for such professional fees within thirty (30) days of the date of the invoice, the Township shall withdraw the amount of the fees invoiced to Developer and make payment to the professional consultant or reimburse itself if it has previously paid the professional consultant.

If the escrow account is depleted prior to approval, the Developer shall place into escrow an amount that will secure the payment of any additional fees estimated to be required to obtain approval. In the event the fees exceed the amount placed in escrow, said excess fees shall be paid by the Developer as a condition of approval and prior to release of a Final Plan for recording. If the funds placed in escrow exceed the amount of the fees incurred, such excess funds shall be returned to the Developer within thirty (30) days of the final approval of the plan.

## **Section 902. OTHER FEES**

Developer shall pay any other fees required by the Township ordinances or Township Authority rules and regulations associated with a subdivision or land development plan including, but not limited to building permit fees, street/road opening permit fees, tapping and connection fees, as and when due under such ordinances, rules and regulations.

**ARTICLE 10: ENFORCEMENT, PENALTIES, SEVERABILITY AMENDMENT AND ENACTMENT**

**Section 1001. ADMINISTRATION AND ENFORCEMENT**

1. The Board of Supervisors shall have the duty and authority to administer and enforce the provisions of this Ordinance, as may be specified or implied herein. The Board of Supervisors may, in their discretion, authorize such agents as it sees fit to administer and enforce the provisions of this Ordinance. Further, any Township official charged with the duty to regulate the use or development of land shall have the duty and authority to enforce the provisions of this Ordinance, as provided herein or as provided in any other ordinances of the Township.

2. No permit for a) the erection, installation, alteration, renovation or demolition of a building or structure, b) occupancy of a building or structure, c) the use of a building, d) the installation of a sanitary sewer an/or sewage disposal system, e) the construction or installation of a storm sewer or f) the construction or installation of any other improvements to land shall be issued by any municipal official or designee responsible for the issuance of such permit until the applicant for such permit has demonstrated that the subject property for such permit is part of or contained within an approved subdivision, land development plan or is an otherwise legally existing lot. Further, such permit shall not be issued unless it is determined that the legal description for the subject property conforms to the site description as set forth on the approved subdivision or land development plan and is otherwise in compliance with all applicable provisions of this Ordinance.

3. A building, zoning or other permit or any authorization issued or approved erroneously in violation of the provisions of this Ordinance shall be void without the need for any proceedings for such revocation. Any work undertaken or use established pursuant to such erroneously issued permit or authorization is unlawful.

**Section 1002. AMENDMENTS**

1. The regulations set forth in this Ordinance may, from time to time, be amended by the Board of Supervisors, following the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, including a public hearing or hearings before the Supervisors after due public notice as required by law.

2. The Township shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Township Planning Commission) to the Township Planning Commissions for recommendation and comment no less than 30 days prior to the date set for any public hearing to be held before the Supervisors. The Township shall submit any proposed amendment to the County Planning Commission at least 30 days before any public hearing is held on such amendment.

3. Pending plans and approved plans shall be affected by a proposed or approved change amendment only as provided by the Pennsylvania Municipalities Planning Code, as amended.

### **Section 1003. REMEDIES AND JURISDICTION**

#### **1. Preventive Remedies**

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

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

i. The owner of record at the time of such violation.

ii. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

iii. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

iv. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

#### **2. Enforcement Remedies**

A. Any person, partnership, or corporation who or which violates the provisions of this subdivision of land development 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 (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the

defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending final adjudication of the violation and judgment.

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

#### **Section 1004. REPEALER**

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

#### **Section 1005. SEVERABILITY**

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

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

ARTICLE 11: ENACTMENT

**Section 1101. ENACTMENT**

ENACTED AND ORDAINED THIS 3<sup>rd</sup> DAY OF October, 2013.  
HOWE TOWNSHIP BOARD OF SUPERVISORS

*Dale W. Beaver*

Chairman

*Wayne K. [Signature]*

Vice-Chairman

*[Signature]*

Member

ATTEST

*Nancy S. Conzioli*

Secretary