

Chapter 22

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Part 1**General Provisions****§22-101. Title.**

This Chapter shall be known and may be cited as the “Subdivision and Land Development Ordinance of the Township of Washington.”

(*Ord. 1-2006, 7/5/2006, §101*)

§22-102. Purpose.

The purpose of this Chapter is to provide for the orderly development of the Township of Washington and to promote the general welfare of the citizenry of the Township of Washington by:

A. Assuring that the future development is consistent with the Comprehensive Plan of Cambria County as well as those plans developed by the Township of Washington.

B. Assuring uniform and equitable processing of all subdivision plans by uniform standards and procedures.

C. Establishing requirements, standards, and specifications to aid in guiding public officials, planners, planning commissions, subdividers, developers, surveyors, landscape architects, architects, engineers, and others in the design and development of subdivisions and land developments throughout the Township of Washington.

D. Generally insuring the future orderly growth and development of the Township of Washington accompanied by adequate public facilities without negatively affecting the environment.

(*Ord. 1-2006, 7/5/2006, §102*)

§22-103. Creation, Authority, and Jurisdiction.

1. *Creation and Authority.* The Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, grants the Board of Supervisors of the Township of Washington the authority to regulate subdivision of land located within the limits of the Township of Washington by enacting this Chapter.

2. All plans shall be submitted to the Board Supervisors of the Township of Washington for review and approval. This includes all plans, plots, or replots of land. No subdivision or land development of any lot, tract, or parcel of land within the Township of Washington shall be made; and no associated street, water main, sanitary wastewater main, storm sewer, or other improvement shall be laid out, constructed, or dedicated for use; except in accordance with the provisions of this Chapter. No plat shall be accepted for recording by the Cambria County Recorder of Deeds unless such plat officially notes the approval of the Board of Supervisors of the Township of Washington.

3. *Land Development Control.* Land development must comply with the regulations contained in this Chapter. Such compliance shall include, but not be limited to filing of preliminary and final plans, the dedication and improvement of rights of

way, streets and roads, and the payment of fees and charges as established by the Board of Supervisors of the Township of Washington. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate all common areas, easements, and improvements.

4. *Enforcement.* Enforcement actions shall begin with letter sent to the violator stating the violation to this Chapter and that a reply is required within 20 days of the mailing date. If within the 20-day reply period no reply is given, then a letter written by the Solicitor for the Township of Washington will be sent to the violator and a new 20-day reply period will be given. If a reply is not received within this reply period, a final letter stating that legal action may be taken will be sent to said violator and a final 20-day time period to reply will be given before legal action is taken. Penalties may be enforced under §22-1205 of this Chapter, or a similar type of action.

5. Nothing contained herein shall be construed as to preclude the Township of Washington from taking such action at law or in equity as it deems necessary without any waiting period of time.

(*Ord. 1-2006, 7/5/2006, §103*)

Part 2

Definitions

§22-201. Interpretation; General Terms.

For the purpose of this Chapter, words in the singular include the plural, and those in plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The word “person,” “subdivider,” and “owner” include a corporation, unincorporated association, and a partnership, or other entity, as well as an individual. The word “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. The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof.” The word “watercourse” includes channel, creek, ditch, drain, dry run, spring, and stream. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory.

(Ord. 1-2006, 7/5/2006, §201)

§22-202. Definitions; Specific Terms.

The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

Administrator—the officer as appointed by the Board of Supervisors of the Township of Washington to administer these regulations and to assist administratively the other boards and officers of the Township of Washington.

Alley or service drive—a minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

Appeal—a means for obtaining review of a decision, determination, order, or failure to pursuant to the terms of this Chapter as expressly authorized by the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Applicant—a landowner or developer, as hereinafter defined, who has filed an application for subdivision and/or development, including his heirs, successors and assigns.

Application for development—every application, whether preliminary, tentative, or required to be filed and approved prior to the start of construction or development, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Appointing authority—the Board of Supervisors of the Township of Washington.

Authority—a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the “Municipality Authorities Act of 1945, or the Municipality Authorities Act, Act of June 19, 2001, P.L. 287, No. 22, §1, 53 Pa.C.S.A. §5601 *et seq.*” [Ord. 2010-2]

Block—a tract of land, a lot, or a group of lots bounded by streets, public parks, railroad, rights-of-way, watercourses, and boundary lines of the Township of Washington, non-subdivided land, other definite barriers, or by a combination of

the above.

Board—any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudication.

Board of Supervisors—the Board of Supervisors of the Township of Washington, Cambria County, Pennsylvania.

Building—a combination of materials to form a permanent structure having walls and roof including, but not limited to, a mobile home.

Building setback line—the line within a property, parallel to, and defining the required minimum distance between the foremost part of any building and the adjacent right-of-way or property boundary line.

Campsite—any site intended to be used for temporary and/or seasonal use for camping inclusive of the area required to sustain a tent, camper, motor home, or other temporary facility.

Campground—any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes, regardless of whether a fee has been charged for leasing, renting, or occupancy of such space.

Cartway (roadway)—the portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

Clear sight triangle—an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Common open space—a parcel or parcels of land, an area of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of (the planned residential) a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan—the complete plan plus any amendments or any of its component parts for the Development of Cambria County and the Township of Washington, providing the continuing orderly development of the Township and being recognized by the governing bodies of the County as the “Official Plan,” including such elements as community development objectives, plans and policies for use of the land for housing, community facilities, transportation, and plan implementation.

Condominium—ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

Construction plan—the maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission and the Board of Supervisors of the Township of Washington as a condition of the approval of the plan.

County—Cambria County, Pennsylvania.

County Planning Commission—the Cambria County Planning Commission.

Crosswalk—a right-of-way, publicly or privately owned, intended to provide access for pedestrians.

Cul-de-sac—a short street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert—a pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

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.

Decision—final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Cambria County.

Density—

(1) *High density*—those residential districts in which the density is equal to or greater than five dwelling units per acre.

(2) *Medium density*—those residential districts in which the density is between one and four dwelling units per acre.

(3) *Low density*—those residential districts in which the density is less than one dwelling unit per acre.

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

Department of Environmental Protection (DEP)—the Pennsylvania Department of Environmental Protection, its bureaus, departments, or divisions.

Design storm—the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24 hours), and used in computing stormwater management control systems.

Determination—final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

(1) The Board of Supervisors.

(2) The Zoning Hearing Board.

(3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under this Chapter or planned residential development provisions.

“Determination” shall be only to the boards designated as having jurisdiction for such appeal.

Detention basin—a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A “detention basin” can

be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

Developer—a person, firm, partnership, corporation, trust, or authorized agent, proposing to divide land so as to constitute a subdivision, or engage in land development, defined by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* (Same as “subdivider.”)

Development—any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures; the placement of mobile homes, the extension, and/or installation of streets and other paving, utilities, mining, dredging, grading, excavation or drilling operations, and the subdivision of land.

Development plan—the provision for development including: a planned development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use and density of development, streets, cartways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition.

Drainage—the removal of surface water or groundwater from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage facility—any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

Drainage right-of-way—the lands required for the installation of stormwater sewers, drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway—a private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling—any building which is designed for human living quarters.

Dwelling or *dwelling unit*—any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

(1) *Detached house*—a dwelling unit occupying the whole of a freestanding residential structure.

(2) *Twin or semi-detached house*—a residential structure occupied by two units with a common wall.

(3) *Duplex*—a residential structure divided horizontally into two dwelling units.

(4) *Row house* or *town house*—a structure with two or more party walls of three or more units not having any horizontal division between units.

(5) *Apartment*—a dwelling unit separated horizontally and/or vertically from one or more other units in a structure.

(a) *Apartment house* or *multiple dwelling unit*—a residential structure containing three or more apartments.

(b) *Garden apartment*—an apartment house not exceeding three stories in height.

(c) *High rise apartment*—an apartment house exceeding three stories in height.

(6) *Trailer*—a dwelling unit contained entirely within a vehicle arranged to stand on wheels or rigid supports (permanent foundation). Also referred to as a “mobile home.”

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

Engineer—a person licensed to practice in the Commonwealth of Pennsylvania as a “registered professional engineer.”

Engineering specifications—the engineering criteria of the Township of Washington regulating installation of any improvement or facility.

Erosion—the removal of surface materials by the action of natural elements.

Erosion, accelerated water—erosion of the soil or rock over and above normal erosion; brought about by changes in the natural cover or ground conditions, including changes caused by human activity.

Excavation—any act by which earth, sand, gravel, rock, or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

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

Financial security—any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Board of Supervisors of the Township of Washington and to be used wherever required by these regulations.

Floodplain—the lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

Governing body—the council in cities, boroughs, and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth classes; or as may be designated in the law providing for the form of government.

Grade—same as slope.

Hearing—an administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10909.1.

Infiltration structures—a structure designed to direct runoff into the ground,

e.g. french drains, seepage pits, dry wells, and seepage trenches.

Land development—any of the following activities which involves the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

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

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

(3) A subdivision of land.

For the purposes of this Chapter, land development specifically excludes the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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 authorized under the lease to exercise the rights of the landowner, or other persons having a property interest in land.

Land use ordinance—any ordinance or map adopted pursuant to the Authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code 53 P.S. §§10401 *et seq.*, 10501 *et seq.*, 10601 *et seq.*, 10701 *et seq.*, as amended.

Lot—a tract, parcel of land, plot, site, or any similar term, regardless of size, but which shall not be further subdivided, intended for transfer of ownership, use, lease, improvements, or development, regardless of how it is conveyed.

Lot area—the horizontal area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

Lot, corner—a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, frontage—that side of a lot abutting on a street or right-of-way, and ordinarily regarded as the front of the lot, but shall not be considered as the ordinary side of a corner lot.

Lot, interior—a lot having side lot lines which do not abut on a street.

Lot line—a line of record bounding a lot which divides one lot from another lot or from public or private right of way or any other public space.

Lot of record—any lot which individually, or as part of a subdivision, has been recorded in the office of the Cambria County Recorder of Deeds.

Lot, reverse frontage—a lot extending between and having frontage on an arterial and a minor street with vehicular access solely from the latter.

Lot, through or double frontage—a lot with both front and rear street frontage.

Maintenance guarantee—any security, other than cash, which may be accepted by the Township of Washington for the maintenance of any improvements required

by this Chapter.

Marker—a wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate sale of lots.

Marginal access street—a street parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

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

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

Mobile home lot—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection of a single mobile home.

Mobile home park—a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

Modifications—waivers of the requirements of one or more provisions of this Chapter when the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

Monument—stone or concrete of known coordinates, established by a professional land surveyor, and utilized to locate property lines.

Municipal Authority—a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the “Municipality Authorities Act of 1945, or the Municipality Authorities Act, Act of June 19, 2001, P.L. 287, No. 22, §1, 53 Pa.C.S.A. §5601 *et seq.*” [Ord. 2010-2]

Municipal Engineer—a registered professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Nonresidential subdivision—a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Official Map—a Township map, adopted by ordinance, showing the exact location of the lines of existing and proposed public streets, watercourses, and public grounds including widening, narrowing, extensions, dimensions, openings, or closing of same, for the entire Township or part thereof.

Organized camp—a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults, with social, recreational and educational objectives, and

operated and used for 5 or more consecutive days during one or more seasons of the year.

Peak discharge—the maximum rate of flow of water at a given point and time resulting from a storm event.

Planning Agency, County—a planning commission, planning department, or a planning committee of the County. The Cambria County Planning Commission.

Plan, sketch—an informal, optional submission preparatory to the preliminary plan showing the general intent of the subdivider.

Plan, preliminary—a subdivision plan or land development plan in lesser detail than the final plan.

Plan, final—a complete and exact subdivision plan prepared for official recording as required by statute; a final plat.

Plat—the map or plan of a subdivision or land development, whether preliminary or final, indicating the location and boundaries of individual properties.

Property line change—a change in lot lines between two adjacent lots of record which does not involve the creation of a third new lot.

Public grounds—

(1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas.

(2) Sites for schools, water treatment, wastewater treatment, refuse disposal, and other publicly owned or operated facilities.

(3) Publicly owned or operated scenic and historic sites.

Public hearing—a formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act. [Ord. 2010-2]

Public meeting—a forum held pursuant to notice under the “Sunshine Act” 65 Pa.C.S.A. §701. [Ord. 2010-2]

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

Recreational and seasonal land development—the improvement and development of land for camping and/or related activities via the provision of campsites and any supportive facilities on a rental basis.

Recreational vehicle—a travel trailer, camping trailer, truck camper, motor home, or similar 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.

Recreational vehicle park—a lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or

recreation purposes.

Recreational vehicle site—a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Report—any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer or consultant, for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, board, officer, body, or agency nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at the cost of reproduction.

Reserve strip—a parcel of ground separating a street from other adjacent properties, or from another street, which shall prevent a street from being connected or extended across property lines.

Resubdivision—any replatting or resubdivision of land involving changes of street layout or any land reserved for public use, or any lot line on an approved or recorded plan. Any more significant changes shall be considered as constituting a new subdivision of land.

Right-of-way—a public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, cartway, and including shoulders and specified adjacent land.

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

Sedimentation—the process by which mineral or organic matter is accumulated or deposited by wind, moving water, or gravity. Once this material is deposited (or remains suspended in water) it is usually referred to as “sediment.”

Septic tank—a watertight receptacle which receives sanitary sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, separate solids from liquids through a period of detention before allowing the liquid to be discharged.

Setback line—the line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the front street right-of-way line which abuts the property on which said building is located and shall be parallel to said right-of-way line.

Shade tree—a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Sight distance—the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 10 feet from the edge of the cartway, 3½ feet high, to a point 3½ feet above the road surface.

Slope—the rise or fall of the land usually measured in percent slope. The

percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

Description	Percent Slope	Slope Class
(1) Nearly level	0-3%	A
(2) Gently sloping	3-8%	B
(3) Sloping	8-15%	C
(4) Moderately steep	15-25%	D
(5) Steep	25-35%	E
(6) Very steep	35%+	F

Soil percolation test—a field test conducted to determine the suitability of the soil for on-lot wastewater disposal systems by measuring the absorptive capacity of the soil at a specific location and depth.

Solicitor—the licensed attorney designated by the Board of Supervisors of the Township of Washington to furnish legal assistance for the administration of this ordinance.

Stabilization—natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and ensure its resistance to erosion, sliding, or other movement.

Stormwater management plan—the plan for managing stormwater runoff as required by Township Engineer and/or a plan for managing stormwater as required by any Township of Washington Stormwater Management Ordinance [Chapter 23], or Commonwealth of Pennsylvania regulation.

Street—a strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

(1) *Arterial street*—a street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on a collector and minor street.

(2) *Collector street*—a street which, in addition to providing access to properties, collect traffic from minor streets and provides routes to community facilities and the arterial streets system.

(3) *Expressway*—a highway whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually a high degree of access control is provided, with few, if any, intersections at grade.

(4) *Local streets (minor streets)*—those streets used primarily to provide access to abutting properties including, but not limited to, cul-de-sac and marginal access streets.

(5) *Marginal access streets*—minor streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with arterial street.

(6) *Service street*—a minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Street line—the limit of a right-of-way.

Street, private—a street not officially dedicated and/or accepted by the Township.

Structure—any man-made object having a certain stationary location on or in land or water, weather or not affixed to the land.

Subdivider—same as developer.

Subdivision—the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, major—all subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of six or more lots, or any size subdivision requiring any new street or extension of the Township of Washington facilities, or the creation of any public improvements.

Subdivision, minor—any medium or high density subdivision containing not more than five lots and any low density subdivision, which meet all of the following: fronting on an existing street, not involving any new street or road, not involving the extension of Township facilities, not involving the creation of any public improvements, not adversely affecting the remainder of the adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or these regulations.

Substantially complete—when, in the judgment of the Township Engineer and based on the cost of the required improvements for which financial security was provided pursuant to Part 2, at least 90 percent of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project can be used, occupied, or operated for its intended use.

Surface drainage plan—a plan showing all present and proposed grades and facilities for stormwater drainage.

Surveyor—a person licensed to practice in the Commonwealth of Pennsylvania as a “registered professional land surveyor.”

Swale—a low lying stretch of land which gathers or carries surface water runoff.

Temporary occupancy—occupancy of a campground or organized camp for no more than 6 months in any consecutive 12-month period.

Tent—a portable lodging unit usually made of skins, canvas, plastic, or strong cloth; stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

Topographic map—a map showing the elevations of the ground by contours or elevations and including all existing topographic features such as streams, streets, existing facilities, and improvements.

Top soil—surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Township—the Township of Washington, Cambria County, Pennsylvania.

Trailer—a vehicular portable structure built on, or designed to be mounted on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and vacation, and commonly known as a travel trailer, pick-up coach, motor home, or camping trailer.

Waiver—a modification to the minimum standards of this Chapter, authorized by the Township, when the developer can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site and, in the opinion of the Township, a departure from this Chapter may be made without destroying the intent of such provisions.

Wastewater disposal, community—a sanitary sewage and/or industrial waste water collection system, either publicly or privately owned, in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant generally serving a neighborhood area.

Wastewater disposal, public—a sanitary sewage and/or industrial wastewater collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Wastewater disposal, on-lot—any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Watercourse—a permanent or intermittent stream, river, brook, creek, channel, or ditch for collection and conveyance of water, whether natural or man-made.

Water supply and distribution system, community—a system for supplying and distributing water from a common source to two or more dwellings and other buildings within a subdivision, neighborhood, or whole community; the total system being publicly or privately owned.

Water supply and distribution system, on-lot—a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water survey—an inventory of the source, quantity, yield, and use of groundwater and of surface water resources within this Township.

(*Ord. 1-2006, 7/5/2006, §202; as amended by Ord. 2010-2, 11/3/2010*)

§22-203. Terms Not Defined.

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that those terms which are not defined herein, but are defined in §107 of the Act of July 31, 1968, P.L. 247, 53 P.S. §10107, as amended by Act 170 of 1988, the Pennsylvania Municipalities Planning Code, shall have the meaning as set forth in said Section.

(*Ord. 1-2006, 7/5/2006, §203*)

Part 3**Application Submission and Review Procedures****§22-301. General Procedures.**

The procedures established in this Part shall apply to all subdivisions and land developments that require review and approval by the Township. It shall be the subdivider's responsibility to observe and follow the procedures established in this Part and to submit all plans and documents as may be required herein.

A. *Classification of Subdivision.* Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner or his agent shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development, which includes the following steps:

- (1) *Minor Subdivision.*
 - (a) Sketch plan (optional).
 - (b) Final plan.
- (2) *Major Subdivision.*
 - (a) Sketch preliminary plan (optional).
 - (b) Preliminary plan.
 - (c) Final plan.

B. *Pre-application Consultation.* Prior to filing an application for approval of a subdivision or land development within the Township, the owner or his authorized agent shall meet with the Board of Supervisors for an official classification of his proposed subdivision or land development. The Board of Supervisors shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision, or a land development. At this time, the Board of Supervisors shall advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

C. *Official Filing Date.* For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Board of Supervisors next following the date the application and plans are received at the Township building; provided, that if said regular meeting shall occur more than 30 days following the submission of the application, the official filing date shall be the thirtieth day following the day the application has been submitted. On receipt of an application for subdivision or land development approval, the Board of Supervisors shall affix to the application both the date of submittal and the official filing date.

D. *Cambria County Planning Commission Review.* All plans shall be submitted to and reviewed by the Cambria County Planning Commission in accordance with its prevailing rules and regulations. The Township shall forward to the subdivider a copy of any report of the Cambria County Planning Commission. The Township shall not approve an application until the County report is

received or until the expiration of 30 days from the date the application was forwarded to the County.

(Ord. 1-2006, 7/5/2006, §301)

§22-302. Submission and Review of Sketch Plan (Optional).

1. Prior to the preparation of a preliminary plan, the applicant may confer with the Board of Supervisors for the purpose of an informal discussion concerning the proposed subdivision or land development. The subdivider may submit a sketch plan following the guidelines set forth in §22-402 of this Chapter. The submission of a sketch plan is optional. The sketch plan shall be submitted for review not less than 10 days prior to the date of the regular meeting of the Board of Supervisors.

2. *Sketch Plan Review.* The Board of Supervisors will review the sketch plan with the applicant as it related to:

- A. The Comprehensive Plan for Cambria County.
- B. A Township of Washington Land Use and Development Plan or any other level comprehensive plan which may exist.
- C. Any zoning ordinance which may exist.
- D. The general suitability of the site for proposed development.
- E. The demand for development for the type proposed and at the particular location proposed.
- F. The availability of necessary services and facilities.
- G. The improvements and design required by these regulations.
- H. Any proposals of the local, State or Federal governments for such improvements as highways, dams, recreation areas, historic sites, and any other facility that may have an impact on the proposed subdivision.

(Ord. 1-2006, 7/5/2006, §302)

§22-303. Minor Subdivision Procedure.

Minor subdivision plans shall be initiated and submitted for review in the form of a final plan as specified in §22-404 and shall be otherwise reviewed in accordance with the procedures and standards of §§22-303 through 22-308.

A. *Additional Subdivision.* Any additional subdivision of a tract, or portion thereof, from which a minor subdivision has already been formed within 5 years of the date of approval by the Board of Supervisors shall be deemed to be a major subdivision and shall follow the appropriate procedure.

B. *Property Line Changes.* Changes in lot lines between two adjacent lots of record shall be reviewed and approved by the Board of Supervisors as a minor subdivision, and may exclude certain plan requirements as outlined in §22-404.D of this Chapter.

(Ord. 1-2006, 7/5/2006, §303)

§22-304. Official Submission of the Preliminary Plan.

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the

optional sketch plan, and after reviewing the plan requirements of this Chapter, the applicant is then in a position to proceed with the preparation and official submission of the preliminary plan. The preliminary plan shall conform with the requirements set forth in §22-403 of this Chapter.

A. *Application Fee.* The fees for the submission and review of subdivisions and developments within the Township are noted in Part 10 of this Chapter.

B. *Number of Copies.* When submitting an application for review and approval of a preliminary plan, the applicant shall submit eight prints of the subdivision or development plan along with three copies of any proposed covenants to the Board of Supervisors. The Board of Supervisors will then forward copies of the preliminary plan to applicable agencies such as the Planning Commission, Township Engineer, utility companies, post offices, school district, assessors, fire departments, etc.

C. *Sewage Facilities Planning Module.* When applicable, the application form shall be accompanied by a sewage facilities planning module as required by the Pennsylvania Department of Environmental Protection (DEP).

(Ord. 1-2006, 7/5/2006, §304)

§22-305. Review of the Preliminary Plan.

Based on a thorough review of the comments of the above-mentioned agencies and of the details of the preliminary plan in light of this Chapter, the Board of Supervisors shall approve, approve with modification, or disapprove the preliminary plan. The Board of Supervisors shall render its decision and communicate its decision to the applicant no later than 90 days following the date of the regular meeting of the Board of Supervisors next following the date of the application is submitted; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the thirtieth day following the day the application has been submitted.

A. *Changes and Modifications.* The Board of Supervisors may require or recommend changes or modifications of the preliminary plan as a prerequisite for approval of the final plan.

B. *Approval of the Preliminary Plan.* Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Board of Supervisors of the preliminary plan shall constitute approval of the subdivision or development as to the character and intensity of development, the arrangement, approximate dimensions of streets, lots, and other planned features. However, approval of the preliminary plan shall not constitute acceptance of approval for final approval and recording on fulfillment of all requirements of these regulations.

(Ord. 1-2006, 7/5/2006, §305)

§22-306. Submission of the Final Plan.

1. After the applicant has received official notification of preliminary plan has approved and recommended changes, if any, have been made, the applicant has 5 years in which to submit a final plan. If he does not do so within a 5-year period, the preliminary plan shall be nullified unless a written time extension is approved by the Board of Supervisors. The final plan must conform to the scheme of the preliminary

plan, as approved, and must contain the information specified in §22-404.

2. The final plan may be a portion of the entire subdivision shown on the preliminary plan.

3. *Provisions for Final Plan Approval.* Before requesting final plan approval, the applicant must submit to the Board of Supervisors either a certificate that all improvements and installations to the subdivision required by this Chapter have been made as required by this Chapter or financial security in an amount sufficient to cover the costs of such required improvements or common amenities which may include, but not be limited to, roads, stormwater detention and/or detention basins and other indicated drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings.

A. When requested by the developer, in order to facilitate financing, the Board of Supervisors or planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon obtaining satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 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.

B. 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.

C. 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.

D. 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 or approval or accompanying agreement for completion of improvements.

E. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. The Township may adjust the amount of the financial security by comparing actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the applicant to post additional security in order to assure the financial security equals said 110 percent. Any additional security shall be posted by the applicant in accordance with this subsection.

F. The amount of financial security required shall be based upon an estimate

of the cost of completion of the required improvements, submitted by an applicant and prepared by a engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another engineer chosen mutually by the Township and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant.

G. If the party posting the financial security requires more than 1 year from the date of posting of financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each 1-year period beyond the first anniversary date from posting of financial security.

H. In the case where development is projected over a period of years, the Board of Supervisors or the planning agency may authorize submission of final plats by section or stages of development, subject to such requirements or guarantees of improvements in future sections or stages of development as it finds essential for the protection of any approved section of 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, or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request 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, lending institution 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 45-day 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 10 percent 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 posting financial security insuring structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications depicted on the final plat for a term not to exceed 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 15 percent of the actual cost of installation of said improvements.

K. If water and/or wastewater mains and appurtenances are to be installed under the jurisdiction of 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 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 required by this Section.

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

4. *Release from Improvement Bond.*

A. When the developer has completed all of the necessary and appropriate improvements the developer shall notify the Township, in writing, by certified/registered mail, of the completion of the improvements and shall send a copy to the Township Engineer. The Township shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the improvements. The Township Engineer shall file a written report with the Township and shall mail a copy of the same to the developer by certified/registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of authorization from the Township; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for nonapproval or rejection.

B. The Township shall notify the developer, within 15 days, of receipt of the Township Engineer's written report by certified/registered mail of the action of said Township.

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

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

F. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of

improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applications.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expense.

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

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

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

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

5. *Remedies to Effect Completion Improvements.* In the event that any improvements which may be required have not been installed as provided in this Chapter or in accordance with the approved final plat, the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installation or making repairs or corrections to all the improvements covered by said security, the Township may at its option, install part of such improvements in all

or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

(Ord. 1-2006, 7/5/2006, §306)

§22-307. Review of the Final Plan.

1. Within 90 days from the submission of the final plan, the Board of Supervisors shall review and act on the plan and notify the applicant in writing of its action. On finding the final plan application to be in accordance with the requirements of this Chapter and for compliance with the approved preliminary plan, the Board of Supervisors shall affix its seal on the plan together with the certifying signature of the Chairman. Where modifications of the final plan are requested or the plan is disapproved, the grounds for these actions must be stated in the notification and noted in the Board of Supervisors' records.

2. *Approval of the Final Plan.* Based on a thorough review of the details of the final plan, the Board of Supervisors shall approve, approve with conditions, or modifications, or disapprove the application; render its decision and communicate that decision to the applicant within 90 days after the date the final plan application was filed. The approval of the final plan by the Board of Supervisors shall not be deemed an acceptance of the proposed dedication and not impose any duty on any of the municipalities of Cambria County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement.

(Ord. 1-2006, 7/5/2006, §307)

§22-308. Approval of Plats; Miscellaneous Procedures.

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the Board of Supervisors within such time limits as may be fixed in this Chapter but the Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Board of Supervisors next following the date the application is submitted; provided, that should the next regular meeting occur more than 30 days following the submitting of the application, the said 90-day period measured from the thirtieth day following the day the application has been submitted.

A. The decision of the Board of Supervisors or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

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

C. Failure of the Board of Supervisors to render a decision and communicate

it to the applicant within the time and manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time change in manner of presentation of communication shall have like affect.

D. Changes in this Chapter shall affect plats as follows:

(1) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, change or amendment of the zoning, subdivision, or other ordinance or plan shall affect the decision on such application adversely, the applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to approval in accordance with the terms of the approved preliminary application as provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

(2) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.

(3) Where final approval is preceded by preliminary approval, the aforesaid 5-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(4) Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid 5-year limit or any extension thereof as may be granted by the Board of Supervisors, no change of Township ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.

(5) In the case of a preliminary plat calling for the installation of improvements beyond the 5-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such a schedule shall be updated annually by the applicant or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in

its discretion.

(6) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors at its discretion. Provided, the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with the landowner's aforesaid schedule of submission of final plats for the various sections, then aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within 5 years shall apply and for any sections or sections, beyond the initial section, in which the required improvements have not been substantially completed within said 5-year period, the aforesaid protections shall apply for an additional term or terms of years from the date of final plat approval for each section.

(7) Failure of the landowner to adhere to the schedule of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision, and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

E. Before acting on any subdivision plat, the Board of Supervisors or the planning agency, as, the case may be, may hold a public hearing thereon after public notice.

(Ord. 1-2006, 7/5/2006, §308)

§22-309. Recording the Final Plan.

Within 30 days after the date of the approval of the final plan by the Board of Supervisors, the applicant shall record an original of the same in the Office of the Cambria County Recorder of Deeds and file with the Township a Recorder's certificate that the approved plan has been recorded with the deed book and page number indicated. If the applicant fails to have the plan recorded, the decision of the Board of Supervisors is voided unless the applicant has obtained an extension of time approved in writing by the Township. The applicant shall proceed with the sale of lots and structures only after the final plan has been recorded with Cambria County Recorder of Deeds. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the applicant. The approval of the final plan shall not impose any duty on the Board of Supervisors or the Township concerning maintenance or improvements by ordinance or resolution.

(Ord. 1-2006, 7/5/2006, §309)

Part 4**Plan Requirements****§22-401. Preliminary Considerations.**

After the effective date of this Chapter, no person, firm, or corporation proposing to make or having made a subdivision or land development, within the area of jurisdiction of this Chapter, shall proceed with any development such as grading of roads or alleys or any other action before obtaining approval of the proposed subdivision or land development by the Board of Supervisors. The provisions and requirements of this Chapter shall apply to and control all land subdivision and development which has not been recorded in the office of the Recorder of Deeds in and for Cambria County, Commonwealth of Pennsylvania, prior to the effective date of this Chapter.

A. *Discussion of Requirements.* Before preparing a sketch plan or preliminary plan for a subdivision or land development, the applicant may discuss with the Township the procedure for adoption of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, utilities, fire protection, and similar matters, as well as the availability of existing services. The Township may also advise the applicant, where appropriate, to discuss the proposed subdivision or land development within those officials (such as the Soil Conservationist, Township Engineer, and Sewage Enforcement Officer) who must eventually approve those aspects of the subdivision or land development plan coming within their jurisdiction.

B. *Conformity with Master Plan.* The layout of the proposed subdivision or land development shall be in conformity with the Comprehensive Plan for Cambria County, and any local level planning which may exist within the area of the proposed subdivision.

C. *Site Considerations.* No land shall be subdivided or developed:

(1) Unless adequate street access exists or will be provided by the applicant. In determining the adequacy of street access, the Township may require the applicant to provide a traffic study, conducted in accordance with the specifications of the Township Engineer, of the street affected by the proposed subdivision.

(2) If such land is considered by the Township as unsuitable for land use, and appropriate mitigation measures are not possible by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unsuitable slope characteristics or presence of any other features harmful to the health and safety of the residents and the community as a whole.

(Ord. 1-2006, 7/5/2006, §401)

§22-402. Sketch Plan (Optional).

Prior to the official submission of the preliminary plan, a subdivision or land

development sketch plan may be submitted by the applicant or property owner to facilitate an informal discussion with the Board of Supervisors concerning the proposed subdivision or land development. This informal discussion can be extremely valuable in guiding the applicant on the proper course in the development of a subdivision or land development thereby reducing the possibility for any costly mistakes. Submission of the sketch plan will not constitute formal filing of the plan with the Township. The sketch plan need not be drawn to scale or contain precise dimensions. The following items are suggested for inclusion in the sketch plan presentation:

- A. Proof of ownership.
- B. Name of owner.
- C. General location within the Township.
- D. Proposed name of subdivision or land development.
- E. Tract boundary including all land which the applicant intends to subdivide.
- F. General topographical and physical features along with water courses, streams, ponds, floodplains, and wetlands.
- G. Names of surrounding property owners.
- H. North point; approximate scale and date of original drawing.
- I. Streets on and adjacent to the tract.
- J. Proposed general street layout.
- K. Proposed general lot layout or development.
- L. Proposed use of the lots or development and the degree of conformity with existing land use.
- M. Any other information which would be helpful in the preliminary discussion of what the applicant intends to do.
- N. Statement of general availability of utilities including, but not limited to, water and wastewater.

(Ord. 1-2006, 7/5/2006, §402)

§22-403. Preliminary Plan.

The preliminary plan shall be accurately drawn to a scale of 1 inch to no more than 100 feet. The preliminary plan shall be submitted on one of the following sheet sizes: (a) 18 inches by 24 inches; (b) 24 inches by 36 inches; or (c) 36 inches by 42 inches. The sheets comprising a submission shall be on one common size and shall contain the information noted in paragraph .A.

A. *Required Information.* The preliminary plan shall contain the following information:

(1) *Notes and Data.*

(a) Name of proposed subdivision or land development with identification as a preliminary plan and the name of the Township in which it is located.

(b) Date of application for preliminary subdivision or land develop-

ment approval.

(c) Name and address of the owner of record of the tract; along with the deed book and page numbers of the deeds conveying the property to the owner.

(d) Name and address of developer, applicant, or authorized agent if different from owner.

(e) Name, address, and seal of registered professional engineer, architect, surveyor, or landscape architect responsible for the plan.

(f) Tax parcel number(s) of subject tracts.

(g) Type of water supply and wastewater disposal to be utilized.

(h) Total acreage of the subject tracts, total number of proposed lots or units (if applicable), and total gross square footage of proposed buildings, (if applicable).

(i) North point, graphic scale, date of original plan along with date and description of revisions to the plan.

(j) Base of benchmark for elevations on the plan.

(k) Proposed use of property.

(l) Number of required parking spaces (if applicable).

(m) List of utility companies, in accordance with PA Acts 172 and 287, as amended, if the project involves excavation.

(n) Legend describing symbols used on plan.

(o) Location map showing the proposed subdivision or land development in relation to Township boundaries, public roads, streams, and adjoining areas.

(p) Signed, notarized statement by the owner certifying ownership of the property, acknowledging intention to develop the property as depicted on the plan, and authorizing recording of said plan.

(q) Signed statement by owner listing land or facilities to be offered for dedication to the Township and acknowledging that the owner will be responsible for maintenance of lands or facilities until they are complete and accepted by the Township.

(r) A place for the signatures of the Chairman and Secretary of the Board of Supervisors and a space for the date of approval.

(s) A place for the signatures of the authorized persons of the County Planning Commission and a space for the date of approval.

(2) Topographic mapping of the subject tract showing the following information:

(a) Exterior boundary line of tract.

(b) Ground elevations indicated by contours at intervals of 2 feet for land with an average natural slope of 8 percent or less and at 5-foot intervals for land with an average natural slope greater than 8 percent, and the location of benchmark and datum used.

(c) The name and deed references of all owners of immediately adjacent land.

(d) Existing streets on and adjacent to the tract; including name, location of right-of-way, right-of-way widths, cartway widths, type of surfacing, elevation of surfacing, and approximate grades.

(e) Existing easements; including location, width, and purpose.

(f) Existing utilities on or adjacent to the tract; including location, type, size, and invert elevation of wastewater and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, power lines with utility poles, transformers, and related appurtenances. If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.

(g) Watercourses, floodplains, wetlands, geologic features, tree masses, and other significant natural features.

(h) Existing man-made features including structures, railroads, bridges, and driveways.

(i) Buffer areas required by this or other relevant ordinance.

(Ord. 1-2006, 7/5/2006, §403)

§22-404. Final Plan.

The final plan shall be accurately drawn to a scale of 1 inch to no more than 100 feet. The final plan shall be submitted on the following sheet sizes: (a) 18 inches by 24 inches; (b) 24 inches by 36 inches; or (c) 36 inches by 42 inches. The sheets comprising a submission shall be on one common size and shall contain the information noted in paragraph .A.

A. *Required Information.* The final plan shall contain the following information:

(1) That information required by §22-403.A(1) and .A(2) of this Chapter; except that the plan shall be identified as a final plan.

(2) Boundary lines of each lot, or area to be depicted or reserved for public or community use; completely dimensioned in feet and hundredths of feet, with bearings described in degrees, minutes, and seconds, and with an error of closure of not more than 1 foot in 2,000 feet. All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.

(3) The location and material of all permanent monuments and lot markers.

(4) Lot numbers, area and setback lines of each lot.

(5) All proposed easements with dimensional information and purpose.

(6) Space on lower edge of final plan for acknowledgment of receipt and recording of plan by the Cambria County Recorder of Deeds Office.

(7) The following information regarding proposed improvements:

(a) Design of proposed streets including rights-of-way. Plans showing geometry and proposed materials, contours, typical cross sections, and

profiles. Details of sidewalks, curbing, inlets, or other facilities involved in street construction.

(b) If development proposes access to a State highway, the following shall be placed on plans: "Access to the State highway shall be only as authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation pursuant §420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the 'State Highway Law'."

(c) Design of stormwater management controls in accordance with Commonwealth of Pennsylvania and local regulations, and the Stormwater Management Plan approved by the Township Engineer.

(d) Design of wastewater collection and treatment facilities (if applicable) including plans showing location of facilities, profiles, and details, and other information required by the municipal authority or utility company that will assume responsibility for the system upon completion.

(e) If on-site wastewater facilities are to be utilized, show soil types, location of soil probes and percolation tests, suitable primary and replacement absorption bed areas on each lot with provisions for their protection and reservation, and a summary of general suitability of each test area. The following statement shall be placed on plan: "This is not a guarantee that a sewage permit will or will not be issued for any lot or parcel. The Township Sewage Enforcement Officer must be contacted to conduct any further tests, as may be necessary, to determine permit issuance."

(f) Design of water supply facilities (if applicable) including plans showing location of facilities, sizing, and other information required by the municipal authority or utility company that will assume responsibility for the system upon completion.

(g) If on-site water facilities are to be utilized, show the location of the proposed well. The following statement shall be placed on the plan: "This is not a guarantee that potable water of sufficient quantity and quality is available for any lot or parcel."

(h) Proposed buildings with finished ground floor elevations, ground floor area, gross floor area, and height.

(i) Proposed pedestrian circulation systems, including details of construction.

(j) Outdoor storage facilities, including bulk trash containers and material storage.

(k) Proposed parking areas, showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with directional information, and details of pavement construction.

(l) Outdoor lighting, showing type of fixtures and mountings.

(m) Landscaping plan, when required by §22-802, or when buffer plantings are required.

(n) Grading plans, with proposed contours and spot elevations to

depict accurately all changes to the topography within the site.

(o) Location and details of soil erosion and sedimentation controls.

(p) Areas to be reserved for parks, playgrounds, or other public uses, with a statement as to eventual ownership of such areas.

B. *Supporting Documentation.* If required, the following documentation shall be submitted prior to final plan approval.

(1) A soil erosion and sedimentation control plan as required by 15 Pa.Code, Chapter 105, of the rules and regulations of the Pennsylvania Department of Environmental Protection, along with an approval from the Cambria County Conservation District reviewing said plan, or earth disturbance permit issued by the Pennsylvania Department of Environmental Protection.

(2) Applicable permits issued by the Pennsylvania Department of Environmental Protection for waterway obstructions, stream or wetland encroachments, and community water systems.

(3) A sewage planning module or exemption card and a letter of approval for such from the Pennsylvania Department of Environmental Protection.

(4) A water quality management permit, NPDES permit, or other permits issued by the Pennsylvania Department of Environmental Protection that may be required for wastewater systems and/or discharges of stormwater.

(5) A highway occupancy permit issued by the Pennsylvania Department of Transportation, if the subdivision or land development proposes access to a State highway. A highway occupancy permit issued by the Township, if the subdivision or land development proposes access to a Township highway. A Pennsylvania Department of Transportation highway occupancy form shall be used for both types of applications and shall be evaluated under the same criteria.

(6) Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.

(7) Approval by the U.S. Postal Service and/or emergency management agencies, of street names.

C. *Minor Subdivision Exclusions.* The following may be omitted from plans for subdivisions meeting the definition of minor subdivisions:

(1) Ground elevation information as otherwise required in §22-403.A(2)(b). Topographic mapping on a base using USGS 7.5 minute mapping or better, may be substituted.

(2) Information on proposed streets as delineated in paragraph .A(7)(a).

(3) Information on proposed wastewater collection and treatment facilities, other than on-site, as delineated in paragraph .A(7)(d), except when located within the future service area of a sanitary sewer system as per an approved Act 537 Plan.

(4) Information on proposed water supply facilities, other than on-site as delineated in paragraph .A(7)(f).

(5) Information on proposed pedestrian circulation systems as delineated

in paragraph .A(7)(i).

(6) Information on proposed outdoor storage facilities as delineated in paragraph .A(7)(j).

(7) Information on proposed parking facilities as delineated in paragraph .A(7)(k).

(8) Information on proposed outdoor lighting facilities as delineated in paragraph .A(7)(l).

D. *Property Line Changes.* Changes in lot lines between two adjacent lots of record shall be reviewed in accordance with §22-303 as a final plan; but, may exclude adherence to paragraphs .A, .B, and .C and shall include the following information:

(1) Proof of ownership.

(2) Name of owners.

(3) General location within the Township.

(4) Tract boundary including all land which the applicants intend to redivide.

(5) General topographical and physical features such as streams, ponds, etc.

(6) Names of surrounding property owners.

(7) North point, approximate scale, and date of original drawing.

(8) Streets on and adjacent to the affected tracts.

(9) Existing and proposed lot lines.

(10) A statement noting that this plan is for a change in lot lines between two existing lots of record, and not for the creation of a third new lot.

(Ord. 1-2006, 7/5/2006, §404)

Part 5**Design Standards****§22-501. General Intent.**

In all land developments and subdivisions developed after the effective date of this Chapter, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever other Township standards, in applicable zoning ordinances, building codes, road ordinances, or other ordinances, resolutions, or regulations, or the need requires standards that exceed these minimum standards; those Township standards shall be observed. However, if these standards exceed those of the other Township ordinances, then the standards of this Chapter shall apply.

(Ord. 1-2006, 7/5/2006, §501)

§22-502. General Standards.

The following general standards shall apply to all types of development. The Township will study the following factors affecting the suitability of a proposed subdivision:

A. Land subject to flooding and land deemed by the Township to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other use that may increase danger to health, life, property, or further aggravate the flood hazard; but, instead such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or aggravate or increase the existing menace.

B. Areas characterized by steep slopes (slopes greater than 15 percent), geologic formations, sink holes, wetlands, or other such features which restrict the use of the land shall not be subdivided or developed.

C. In determining the suitability of land for subdivision, the Township shall refer to applicable studies by the Cambria County Planning Commission, State, and Federal agencies, including the soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service.

D. The layout or arrangement of the subdivision or land development shall conform to Cambria County's Comprehensive Plan and to any regulations or maps adopted in furtherance thereof. In addition the layout or arrangement of the subdivision or land development shall conform to any local level comprehensive plan or other applicable ordinances which may exist.

E. Where evidence indicates that the minimum lot size requirements specified in other Sections of this Chapter or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water and/or sewerage facilities along with an area to be set aside for a replacement sewage absorption bed, the Township shall require that the Township Sewage Enforcement Officer or Pennsylvania Department of Environmental Protection personnel make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended, plus other applicable State or local regulations.

F. No subdivision showing reserve strips controlling the access to public ways will be approved, except where the control and disposal of the land comprising such strips are definitely placed within the jurisdiction of the Township under an agreement meeting the approval of the Township.

G. Lot lines shall, where possible, follow Township and County boundary lines.

(Ord. 1-2006, 7/5/2006, §502)

§22-503. Streets.

1. The following general standards shall apply to all streets within a subdivision:

A. The location and width of all streets shall conform to the County and local level comprehensive plans or to such parts thereof as may have been adopted by the County or Township.

B. The proposed street system shall extend existing or recorded streets with the same width or larger but in no case less than the required minimum width.

C. Where, in the opinion of the Board of Supervisors, it is desirable to provide street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.

D. New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension continuation of major arterial and collector streets into and from adjoining properties.

E. Where a subdivision abuts or contains an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment.

F. Private streets (streets not to be offered for dedication) are discouraged. Private streets will be approved only if they meet the design standards of this Chapter.

G. Street pavement design shall conform with the following:

(1) The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all streets within the Township. In no case should a proposed design provide for less than these standards. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation, *Design Manual*, Part 2, "Highway Design," and also shall comply with the latest edition of Pennsylvania Department of Transportation, Publication 70M, "Guidelines for the Design of Local Roads and Streets." Material and construction methods shall comply with the latest edition of Pennsylvania Department of Transportation Specification, Publication 408, and "Standards for Roadway Construction," Pennsylvania Department of Transportation Publication 72.

(2) The Township reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.

(3) Roads on the State or Federal system must be designed to the specifications required by the above-mentioned agencies, these standards notwithstanding.

(4) All pavements shall be designed for a 20-year service life.

(5) Where it is proposed to use a road prior to the placement of the wearing course, the base course of the road must be structurally designed to support all anticipated loads.

(6) Parking lanes shall be provided where required by the Township. Thickness requirements for parking lanes shall be the same as the requirements for the cartway.

(7) Temporary turnarounds meeting the dimensional requirements contained herein for a cul-de-sac, shall be installed when streets are designed for future extension to adjoining properties or future extension to subsequent phases of a development. Temporary turnarounds shall be provided with easement meeting the right-of-way requirements herein for cul-de-sacs. Temporary turnarounds shall be constructed of a minimum of 6 inches of well-compacted gravel.

(8) All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, Publication 408, most recent addition, unless specifically stated otherwise in this Chapter.

(9) Subgrade (refer to Pennsylvania Department of Transportation Pub. 408, §210). Form roadbed to the established subgrade elevation, both longitudinally and in cross section, and compact to a minimum 98 percent maximum dry density as determined by PTM 106. Completed subgrade shall be maintained and protected in advance of succeeding operations. Prior to placement of pavement structure, promptly and satisfactorily reshape and recompact, or remove and replace, damaged or unsatisfactory areas. Correct all surface irregularities exceeding ½ inch by loosening the surface and adding material as required. Compact the corrected area and surrounding surface by rolling. The subgrade shall be approved by the Township prior to placing of subbase.

(10) Subbase (refer to Pennsylvania Department of Transportation, Pub. 408, §350). Material shall be type C or 2A as specified in Pennsylvania Department of Transportation Pub. 408, §703.2. Subbase shall be placed on prepared subgrade as specified. Do not place subbase material on soft, muddy or frozen areas. Correct unsatisfactory subbase conditions developing ahead of the operations by scarifying, reshaping, and recompacting, or by replacement, if directed by the Township. Subbase shall meet the same compaction and grade requirements as specified for subgrade. Where material is too coarse to use compaction method stated, determine compaction based on non-movement of the material under the compaction equipment. Subbase shall be approved by the Township to placement of base material.

(11) Bituminous concrete base course (refer to Pennsylvania Department of Transportation Pub. 408, §305). Bituminous material shall be asphalt cement, class AC 20 as specified Pennsylvania Department of Transportation,

Pub. 408, §702. Aggregates shall conform to Pennsylvania Department of Transportation Pub. 408, §305.2. Construction shall meet the requirements of Pennsylvania Department of Transportation, Pub. 408, §305.3. Bituminous concrete base course shall be approved by the Township prior to the placing of the wearing course.

(12) ID-2 bituminous wearing course (refer to Pennsylvania Department of Transportation, Pub. 408, §420). Material shall conform to Pennsylvania Department of Transportation, Pub. 408, §420.2a, b, and c. Skid resistance level shall be as required by Pennsylvania Department of Transportation design manual, Part 2, Pub. 13. Construction shall conform to Pennsylvania Department of Transportation, Pub. 408, §401.3. A tack coat shall be applied to the surface of any pavement that has been in place for more than 7 days prior to placement of subsequent course.

(13) Shoulders (refer to Pennsylvania Department of Transportation, Pub. 408, §653) shall be type 3 as shown in Pennsylvania Department of Transportation, “Standards for Roadway Construction,” Pub. 72, RC-25; materials shall be as specified in Pennsylvania Department of Transportation, Pub 408, §653.2, construction shall be as specified in Pennsylvania Department of Transportation, Pub. 408, §653.3. Shoulders less than 6 feet in width will not be required to use full depth asphalt.

(14) Pavement structures shall be as follows:

Class of Street	Depth of Material		
	ID-2	B.C.B.C.	2A Stone
Marginal access and cul-de-sac	1½ inches	4 inches	6 inches
Local (minor)	1½ inches	4 inches	6 inches
Collector	1½ inches	5 inches	6 inches
Arterial	1½ inches	6 inches	6 inches

(15) Street cross slopes shall be a minimum of 2 percent and a maximum of 3.5 percent. Shoulder cross slopes shall be a minimum of 2 percent and a maximum of 4.5 percent.

H. Stormwater conveyance systems shall be designed in accordance with the approval of the Township Engineer and/or any Township Stormwater Management Ordinance [Chapter 23]. All stormwater conveyance systems within rights-of-way, including driveway entrances, shall conform with the following:

(1) Endwalls and inlets shall be as per Pennsylvania Department of Transportation, Pub. 408, §605 and Pennsylvania Department of Transportation, Pub. 72, RC-31 and RC-34.

(2) Pipe culvert shall be as per Pennsylvania Department of Transportation, Pub. 408, §§601, 602, and 603. Corrugated polyethylene culvert pipe is acceptable up to and including 24-inch OD. The minimum size of culvert pipes shall be 15-inch OD or equivalent cross-sectional area.

I. Guide rail requirements and design shall be as per Pennsylvania Department of Transportation, Pub. 13, *Design Manual* Part 2, §12. Material and

construction shall be as specified in Pennsylvania Department of Transportation, Pub. 408, §1109, and Pennsylvania Department of Transportation, Pub. 72, RC-50, 52, 53, 54, and 55.

J. All street construction shall be inspected by the Township. Contractor shall notify the Township 48 hours prior to time when inspection is required. The contractor may not, under any circumstances, proceed with subsequent stages until authorization is given by the Township.

2. *Width.* Minimum street right-of-way and pavement widths, if not specified in the County or local level comprehensive plans, shall be as set forth in the following:

Street Type	Street Width	Min. Shoulder	Min. Grade	Max. Grade
Marginal Access and Cul-de-Sac				
Right-of-way	40 feet	4 feet	1%	10%
Cartway	20 feet			
Turn Area of Cul-de-Sac				
Right-of-way	100 feet	N/A	1%	5%
Cartway O.D.	80 feet			
Length (max.)	800 feet			
Local (Minor)				
Right-of-way	50 feet	4 feet	1%	10%
Cartway	20 feet			
Collector				
Right-of-way	60 feet	6 feet	1%	10%
Cartway	24 feet			
Arterial (major)*				
Right-of-way	80 feet	10 feet	1%	5%
Cartway	44 feet			

*The Board of Supervisors retains the option of changing any and all requirements represented with supporting data and recommendations derived by conducting a traffic study. The study may make recommendations which vary from these minimum standards.

3. *Alignment.* Minimum street alignment standards shall be as follows:

A. The minimum radius at the center line for horizontal curves on arterial streets shall be 700 feet, for collector streets, 400 feet, and for minor streets, 200 feet. Proper superelevation shall be provided for curves on arterial streets.

B. Between reverse curves, a tangent of not less than the following dimensions shall be provided:

- (1) Arterial streets—200 feet.
- (2) Collector streets—100 feet.

(3) Minor streets—50 feet.

C. Proper sight distance shall be provided with respect to both horizontal and vertical alignment. The minimum sight distance, measured along the center line, 4½ feet above grade, shall be as follows:

- (1) Arterial streets—400 feet.
- (2) Collector streets—200 feet.
- (3) Minor streets—150 feet.

4. *Grades*. Minimum standards shall be as follows:

- A. The minimum grade on all streets shall be 1 percent.
- B. The maximum grade shall be as follows:
 - (1) Arterial streets—5 percent.
 - (2) Collector streets—10 percent.
 - (3) Minor streets—10 percent.

C. An intersection shall be approached on all sides by leveling areas. Where the grade exceeds 5 percent, such leveling areas shall have a minimum length of 75 feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of 3 percent.

5. *Horizontal Curves*. Minimum horizontal curves shall be as follows:

A. Whenever street lines are deflected in excess of 5 degrees, connection shall be made by horizontal curves.

B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

- (1) Minor streets—150 feet.
- (2) Collector streets—300 feet.
- (3) Major streets—500 feet.

C. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector roads and major streets.

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

6. *Vertical Curves*. When all changes of street grades occur where the algebraic difference exceeds 1 percent, vertical curves shall be provided to permit the following minimum sight distances:

- A. Minor streets—200 feet.
- B. Collector streets—300 feet.
- C. Major streets—400 feet.

7. *Intersections*. The following standards shall apply to all street intersections:

A. Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle less than 75 degrees or more than 105 degrees.

B. No more than two streets shall intersect at the same point.

C. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 125 feet between lines measured

along the centerline of the street being intersected.

D. Intersections with major streets shall be located not less than 1,000 feet apart measured from centerline to centerline along the centerline of the major street.

E. Where provided, street curb intersections shall be rounded by a tangential arch with a minimum radius of:

- (1) Twenty feet for intersections involving only minor streets.
- (2) Thirty feet for all intersections involving a collector street.
- (3) Forty feet for all intersections involving a major street.

F. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

8. *Alleys.* Alleys shall not be permitted in residential subdivisions except in areas where other methods of entrance and exit are impractical. In other types of developments, where permitted, their design standards shall be determined by the Township.

9. *Names.* The subdivider may choose street names subject to the approval of the Township. Proposed streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. In no case shall the name of a proposed street duplicate or confuse an existing street name in the Township, notwithstanding of the use of the suffix street, road, avenue, boulevard, driveway, court, lane, etc. All names are subject to County Emergency Management approval for 911 purposes.

(Ord. 1-2006, 7/5/2006, §503)

§22-504. Curbs.

Curbs shall be required on new streets in subdivisions which have a typical lot width of interior lots at the building setback lines of less than 100 feet. Curbs may also be required in any subdivision in which the lot areas or widths exceed 100 feet when the centerline street grade of any street exceeds 3 percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived for low and moderate density subdivisions at the discretion of the Township, but when the requirement is waived, grass-lined swales or rock-lined ditches shall be required. When curbs are required, they shall meet the following standards:

A. Plain cement concrete curb (refer to Pennsylvania Department of Transportation, Pub. 408, §630). Curbing shall be plain cement concrete curb as shown in Pennsylvania Department of Transportation, "Standards for Roadway Construction," Pub. 72, RC-64. Materials shall conform to Pennsylvania Department of Transportation, Pub. 408, §630.2. Construction shall conform to Pennsylvania Department of Transportation, Pub 408, §630.

B. All curbs shall be depressed at intersections in compliance with current Federal and State ADA standards.

(Ord. 1-2006, 7/5/2006, §504)

§22-505. Sidewalks.

Sidewalks shall be provided in high density subdivisions and when considered necessary by the Township for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions dictates the need. Sidewalks shall also be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one or both sides. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments. When sidewalks are required, they shall meet the following standards:

A. Sidewalks shall be located within the street right-of-way, 1 foot from the right-of-way line, and shall be a minimum of 4 feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of 5 feet wide.

B. *Generally.* A grass planting strip should be provided between the curb and sidewalk.

C. Sidewalks shall be at least 4 inches thick, and shall be made of Class A concrete as specified in Pennsylvania Department of Transportation, Pub. 408, §704 and installed in accordance with Pennsylvania Department of Transportation Pub. 408, §676, except base aggregate shall be at least 4 inches deep, and concrete shall be broom finished.

D. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Township may require different standards of improvements than those set forth in previous paragraphs. Crosswalks may be required when deemed necessary by the Township or as noted in §22-506.3.

E. Handicap-accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12 to 1 (8.33 percent). Depressed curb shall be installed at the ramp to create a lip of no greater than ½ inch. Ramps shall be concrete as specified in paragraph .C of this Section with a broom finish.

F. Maximum slope of banks measured perpendicular to the center line of the street should be 3 to 1 for fills, and 2 to 1 for cuts.

(Ord. 1-2006, 7/5/2006, §505)

§22-506. Blocks.

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

- A. Provision of adequate sites for buildings of the types proposed.
- B. Zoning requirements (if applicable).
- C. Topography.
- D. Requirements for safe and convenient vehicular and pedestrian circulation.
- E. Other site constraints.

2. *Width.* Blocks subdivided into lots will be two lot depths in width; excepting lots along a major thoroughfare which front on an interior street, or prevented by the site topographic conditions, or other inherent conditions of the property; in which case the Township may approve a single tier of lots.

3. *Length.* All blocks in a subdivision shall have a maximum length of 1,600 feet

and a minimum length of 400 feet. Blocks over 600 feet in length shall require crosswalks wherever necessary to facilitate pedestrian circulation and to give access to community facilities.

(Ord. 1-2006, 7/5/2006, §506)

§22-507. Lots.

Within the Township, the width and area of lots shall be no less than provided in any application or ordinance. In so far as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines. Lot lines should tend to follow Township boundaries rather than cross them, in order to avoid interjurisdictional problems.

A. *Frontage.* All lots shall meet the following frontage requirements:

(1) All lots shall have direct access to an existing or proposed public street.

(2) Double or reverse frontage lots shall be avoided, except where required to provide separation of residential development from major streets or to overcome topographic problems.

B. *Size.* All lots shall meet the following minimum requirements:

(1) In all sections of the Township not served by sanitary nor public water facilities, each lot shall have a minimum width of 150 feet at the building setback line and a minimum area of 43,560 square feet.

(2) In all sections of the Township served by either public water supply or sewage, each lot shall have a minimum width of 150 feet at the building setback line and not less than 21,780 square feet in area per single-family dwelling; not less than 12,000 square feet in area per family for duplex dwellings with a width of not less than 75 feet at the building setback line, and not less than 7,500 square feet in area per family for row houses and apartments.

(3) In all sections of the Township served by both public water supply and public sewerage, each lot shall have a minimum width of 75 feet at the building setback line and a minimum area of 10,000 square feet.

(4) In sections of the Township requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed as required by current Pennsylvania Department of Environmental Protection regulations.

C. *Width.* In no case shall the width of the lot at the building setback line be less than 75 feet nor the area of the lot be less than 10,000 square feet. Corner lots for residential use shall have a width of at least 20 percent greater than the aforementioned required widths to permit appropriate building set back from and orientation to both streets.

D. *Setback Lines.* Structures built on lots shall meet the following setback lines depending upon the availability of public water and sanitary sewer service:

(1) In sections of the Township not served by sanitary sewer and/or public water facilities, structures shall be constructed no closer than 25 feet from

front, 15 feet from side, and 15 feet from rear property lines.

(2) In sections of the Township served by sanitary sewer and public water facilities, structures shall be constructed no closer than 25 feet from front, 10 feet from side, and 10 feet from rear property lines.

(Ord. 1-2006, 7/5/2006, §507)

§22-508. Easements.

The following shall apply to easements within all subdivisions:

A. Easements with a minimum width of 15 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains and/or other utility lines intended to serve abutting lots. No structures or trees shall be placed in such easements.

B. Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.

C. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel, or stream, and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a stormwater system.

D. There shall be a minimum distance of 100 feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the subdivision.

(Ord. 1-2006, 7/5/2006, §508)

§22-509. Community Facilities.

In reviewing subdivision plans, the Township will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when appropriate. Therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it plans to use the site.

(Ord. 1-2006, 7/5/2006, §509)

§22-510. Public Utilities.

The following public utilities, when required, shall meet the indicated standards below:

A. *Water.*

(1) Where public water lines are required in a new subdivision, they shall be in conformity with any adopted area-wide water plan for Cambria County and any applicable water plans developed for the municipal authority or utility providing the service in which the proposed subdivision is located. Whenever

the Township, municipal authority, or utility company providing the service has no standards, or has standards below those of the Pennsylvania Department of Environmental Protection, standards of the Department of Environmental Protection shall apply.

(2) Public water lines should be located between the cut line or edge of pavement and the property line within any street right-of-way.

B. *Wastewater.*

(1) Where public sewer lines are required in a new subdivision, they shall be in conformity with any adopted area-wide wastewater plan for Cambria County and any applicable sewer plans developed for the Township in which the subdivision is located. The design specifications of all sewer lines installed in subdivisions shall meet the minimum standards set forth by the municipal authority or utility company providing the service in which the proposed subdivision is located. Whenever the Township, municipal authority, or utility company providing the service has no standards, or has standards below those of the Pennsylvania Department of Environmental Protection, the standards of the Department of Environmental Protection shall apply.

(2) Public sewer lines shall be located as near to the left line or right line of any street right-of-way and/or utility easement as is reasonably possible, and all such sewer lines shall provide sewage laterals to the property lines of each and every lot. Said sewage lateral lines be properly capped until utilized. Manholes shall be provided at all changes in grade and direction and in no instance shall the distance between manholes exceed 400 feet. All sewer mains must be at least 8 inches in diameter, and laterals must be at least 4 inches in diameter. Storm sewers or foundation under-drainage systems shall not be connected with the sanitary sewer system.

C. *On-Lot Wastewater Disposal.* Where it is found necessary and feasible to rely upon on-lot systems for wastewater disposal, the on-lot disposal systems shall meet all minimum requirements and standards of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended. Within the Township, the provisions of the Sewage Facilities Act are administered by the Township Sewage Enforcement Officer.

D. *Storm Sewers.* Where storm sewers are required in a new subdivision, they shall be in conformity with the area-wide sewer plan for Cambria County and any storm sewer plans developed for the Township in which the proposed subdivision is located. All storm sewer lines shall meet the minimum standards set forth by the Township, with the advice of the Township Engineer.

(Ord. 1-2006, 7/5/2006, §510)

§22-511. Stormwater Drainage.

The following standards shall apply to stormwater drainage:

A. Lots shall be laid out and graded to provide positive drainage away from buildings. The Township may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

B. No person, corporation, or other entity shall block, impede the flow of, alter, or construct any structure, or deposit any material or thing, or commit any act which affects normal or flood flow in any communal stream or water course without having obtained prior approval from the Township, the Pennsylvania Department of Environmental Protection, or the U.S. Army Corps of Engineers.

C. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage.

D. The Township will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.

E. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to prepare and submit stormwater management plans for review and approval by the Township Engineer and/or Cambria County, per Pennsylvania Storm Water Management Act, 32 P.S. §680.1 *et seq.*, and any stormwater management plan: [Ord. 2010-2]

(1) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

(2) Design drainage facilities to handle runoff from upstream areas.

(3) Design, construct, and/or install such drainage structures and facilities necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and activities shall satisfactorily convey subsurface waters to the nearest practical street storm drain, detention pond, natural water course, or on-site recharge system.

F. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

G. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 15 feet wide.

H. Street drainage will not be permitted to cross-intersections or the crown of the road.

(1) Maximum spacing of street inlets shall not exceed 600 feet.

(2) All street inlets shall be Pennsylvania Department of Transportation Type C or M. Inlet tops shall be cast in-place reinforced concrete or precast concrete.

(3) All culvert ends shall be provided with either reinforced concrete headwall or pipe end sections.

(4) Minimum pipe size shall be 15 inch diameter or the equivalent cross-sectional area.

(5) When material for storm drain is not specified, Pennsylvania Department of Transportation specifications will apply.

I. All springs and sump pump discharges shall be collected so as not to flow into the streets.

J. Stormwater roof drains shall not discharge water directly over a sidewalk.

K. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

L. The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

M. The Rational Method may be used for analysis of storm sewer systems and for Stormwater Management facilities in minor subdivisions.

N. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

O. The minimum design criteria shall be a 10-year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.

P. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

Q. Control facilities shall adhere to the following and/or any County stormwater management plan:

(1) Permanent control measure facilities shall be designated to assure that the rate of stormwater runoff is not greater after development than prior to development for a 10-year storm event. More stringent criteria may be required in sensitive areas where downstream stormwater problems presently exist.

(2) Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the *Erosion and Sedimentation Pollution Control Program Manual* and Pennsylvania Storm Water Management Act, 32 P.S. §680.1 *et seq.*, regulations. [Ord. 2010-2]

(a) Detention ponds may be waived by the Township on the recommendation of the Township Engineer at sites in close proximity to major streams. This is to facilitate drainage prior to stream flooding.

(b) Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Township, a lining shall be installed.

(c) Any ponds with slopes greater than 3 to 1 shall be fenced with a 6-foot fence with type subject to the approval of the Township.

(3) A maintenance plan for control facilities must be included as part of the grading and drainage plan.

(a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.

(b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is granted by the Board of Supervisors.

1) In cases where permanent control facilities are owned by an

entity (e.g., a homeowners association), it shall be the responsibility of that entity to maintain the control facilities. In such cases, a legally binding agreement between the owner and the Township shall be made; providing for the maintenance of all permanent facilities, including inspection by the Board of Supervisors.

(*Ord. 1-2006, 7/5/2006, §511; as amended by Ord. 2010-2, 11/3/2010*)

§22-512. Lot Grading.

The following standards shall apply to lot grading for subdivisions and land developments:

A. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. A minimum 2 percent slope away from structures shall be required, for a distance of 10 feet.

B. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions. Lot grading shall be:

(1) Designed to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to convey surface water away from buildings, their grade shall not be less than 1 percent nor more than 4 percent. The swales shall be sodded, planted, or lined as required. Common man-made drainage channels shall require an easement, or

(2) Consistent with stormwater management controls contained in any local or County watershed or stormwater management plan.

C. No final grading shall be permitted with a cut face steeper in slope than 2 horizontal to 1 vertical except under one or more of the following conditions:

(1) The material in which the excavation is located is sufficiently stable to a slope of steeper than 2 horizontal to 1 vertical, and a statement to that effect by an engineer experienced in erosion control is submitted to the Township Engineer and approved. The statement shall state that the site has been inspected and that the deviation from the proposed slope specified will not result in injury to persons or damage to property.

(2) A retaining wall constructed according to sound engineering standards from which Plans are submitted to the Township Engineer for review and approval.

D. No final grading shall be permitted which creates any exposed surface steeper in slope than 2 horizontal to 1 vertical except under one or more of the following conditions:

(1) The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, or buildings.

(2) A written statement from an engineer experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope limits above will not endanger any property or result in property damage, is submitted to and approved by the Township Engineer. The statement shall state that the site has been inspected and that the deviation

from the proposed slope specified will not result in injury to persons or damage to property.

(3) A wall is constructed to support the face of the fill.

E. The top or bottom edge of slopes shall be a minimum of 5 feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on abutting property. All property lines, where walls or slopes are steeper than 1 horizontal to 1 vertical and 5 feet or more in height shall be protected by a protective fence or suitable barrier no less than 3 feet in height, and approved by the Township Engineer.

F. All lots must be kept free of any debris or nuisances whatsoever.

(Ord. 1-2006, 7/5/2006, §512)

§22-513. Erosion and Sediment Control.

The following standards shall apply to erosion and sediment control within the Township:

A. General Purpose.

(1) The Board of Supervisors finds that the minimization of erosion and sedimentation in connection with land development and subdivision is in the public interest, affecting public health, safety and welfare; and, therefore, those regulations governing erosion control and sedimentation control are necessary.

(2) No changes shall be in made in the contour of the land and no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time as a plan for soil erosion and sedimentation control, as required by 25 Pa.Code, Chapter 102, of the rules and regulations of the Department of Environmental Protection, has been reviewed and approved by the Cambria County Conservation District; or if required, a Pennsylvania Department of Environmental Protection earth disturbance permit has been issued.

(3) No subdivision or land development plan authorizing construction shall be approved unless:

(a) Evidence is presented showing a favorable review of the soil erosion and sedimentation control plan by the Cambria County Conservation District, and if applicable, the Pennsylvania Department of Environmental Protection has issued an earth disturbance permit.

(b) Financial security for erosion controls has been included in the financial security for the project as required in §22-306 of this Chapter.

(4) Where not specified in this Chapter, measures used to control erosion and sedimentation shall meet the minimum standards contained in the *Erosion and Sediment Pollution Control Program Manual* of the Pennsylvania Department of Environmental Protection.

B. Performance Principles.

(1) Stripping vegetation, regrading, or other types of earthmoving shall be done in such a way that will minimize soil erosion.

(2) Development plans shall preserve salient natural features, keeping cut and fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff is to be structurally retarded.

(9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized; by the use of debris basins, sediment basins, silt traps, or similar measures.

C. *Grading for Erosion and other Environmental Controls.* In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

(1) Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with §22-503, and as approved in the final plan.

(2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.

(3) Fill shall be placed and compacted to minimize sliding or erosion of the soil.

(4) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.

(5) During grading operations, necessary measures for dust control will be exercised.

(6) Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

D. *Responsibility.*

(1) Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the collective responsibility of the developer and subdivider, and of the contractor, person, corporation, and other entity causing such sedimentation to remove it from all adjoining surfaces,

drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

(2) Maintenance of all erosion and sedimentation control facilities during construction and development period is the responsibility of the land developer or subdivider.

(3) It is the responsibility of any developer or subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity, and to return it to its original or equal condition after such activity is completed.

(4) The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the erosion and sediment control plan.

E. Compliance with Regulations and Procedures.

(1) The Board of Supervisors, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon full execution of erosion and sediment control measures as contained in paragraphs .B and .C hereof.

(2) The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the *Erosion and Sediment Pollution Control Program Manual* of the Pennsylvania Department of Environmental Protection.

F. Stream Channel Construction. Stream channel construction on watersheds with drainage in excess of ½ square mile, or in those areas where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Protection.

G. A written permit issued by the Pennsylvania Department of Environmental Protection shall be required prior to any construction, operation, maintenance, modification, or abandonment of any dam, water obstruction, or encroachment. Evidence of a permit must be presented when requested prior to any approval of a subdivision or land development which authorizes construction.

(*Ord. 1-2006, 7/5/2006, §513*)

§22-514. Flood Hazard Area Regulations.

The following standards shall apply to flood hazard areas within the Township:

A. Purpose.

(1) To regulate the subdivision or development of land within any designated flood hazard area in accordance with Township floodplain regulations in order to promote the general health, welfare, and safety of the community.

(2) To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designated and installed to preclude flood damage at the

time of initial construction.

(3) To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood hazard area districts.

B. *Abrogation and Greater Restrictions.* To the extent that this Section imposes greater requirements or more complete disclosure than other provisions of this Chapter, in any respect, or to the extent the provisions of this Section are more restrictive than such other provisions, this Section shall control such other provisions of this Chapter.

C. *Disclaimer of Township Liability.* The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated flood hazard area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees or agents.

D. *Application Procedures and Requirements.*

(1) *Pre-application Procedures.*

(a) Prior to the preparation of any plans, it is suggested that developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal systems are proposed.

(b) Prospective developers shall consult the Cambria County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

(2) *Preliminary Plan Requirements.* The following information shall be required as part of the preliminary plan and shall be prepared by an engineer or surveyor:

(a) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.

(b) A map showing the location of the proposed subdivision or land development with respect to any designated flood hazard area, including the following information but not limited to, the 100-year flood elevations, boundaries of the flood hazard area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

(c) Where the subdivision or land lies partially or completely within designated flood hazard area, or where the subdivision or land development borders on a flood hazard area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of 2 feet, and shall identify accurately the boundaries of the flood hazard areas.

(d) Such other information as is required by this Chapter.

(3) *Final Plan Requirements.* The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

(a) All information required for the submission of the final plan incorporating any changes requested by the Board of Supervisors.

(b) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated flood hazard area. All such maps shall show contours at intervals of 2 feet within the flood hazard area and shall identify accurately the boundaries of the flood prone areas.

(c) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection, and any other governmental agency where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation.

(d) The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Board of Supervisors meeting at which such plan is to be considered.

(4) *Design Standards and Improvements in Designated Flood Hazard Areas.*

(a) *General.*

1) Where not prohibited by this or any other laws or ordinances, land located in any designated flood hazard area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance this and any other laws and ordinances regulating such development.

2) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvement will individually or collectively, increase the 100-year flood elevation more than 1 foot at any point.

3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a flood hazard area if the lowest floor (including basement) is elevated to the regulatory flood elevation. If fill is used to raise the elevation of the site the fill area shall extend laterally for a distance of at least 15 feet beyond the limits of the proposed structure and access shall meet the requirements of paragraph .A(3) above.

4) Building sites for structures or buildings other than for residential use shall not be permitted in any floodway area. Sites for

such structures or buildings outside the floodway in a flood hazard area shall be protected as provided for in paragraph .A(1). above. However, the Board of Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood proofed to the regulatory flood elevation.

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

6) When a developer does not intend to develop the plat himself and the Board of Supervisors determines that additional controls are required to insure safe development, they may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(b) *Drainage Facilities.*

1) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

2) Plans shall be subject to the approval of the Township. The Township may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with any Township Stormwater Management Plan, County plan, and/or as approved by the Township Engineer. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

3) The finished elevation of proposed streets and driveways shall not be more than 1 foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Chapter shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

4) All wastewater systems located in any designated flood hazard area whether public or private shall be flood proofed up to the regulatory flood elevation.

5) All water systems located in any designated Food Hazard Area, whether public or private, shall be flood proofed up to the regulatory flood elevation.

6) All other public or private utilities and facilities, including but not limited to: gas and electric, shall be elevated or flood proofed

up to the regulatory flood elevation.

(Ord. 1-2006, 7/5/2006, §514)

Part 6**Improvements and Construction Requirements****§22-601. General Requirements.**

1. It is the purpose of this Part to set forth the required improvements in all subdivisions and land developments, and the construction standards required. Where not set forth, they shall be in accordance with the prevailing standards as established by the Township Engineer. Alternate improvement standards may be permitted if the Township deems them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Township believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of Cambria County.

2. Any or all of the following improvements as may be required by the Township, pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed subdivision is located, must have been completed in accordance with the requirements established by this Chapter as well as in accordance with the requirements of the responsible public authority affected, public officials, or Township Engineer for that portion included in the final plat. If the improvements are not completed, then satisfactory arrangements must have been made with the Township to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat.

3. The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or financial security has been established with the Township.

(Ord. 1-2006, 7/5/2006, §601)

§22-602. Required Improvements.

1. *Monuments.* For all subdivisions with the exception of property line changes, at least one monument shall be set, preferably at an angle, in the perimeter of the subdivision. The monument shall meet the following specifications:

A. Monuments shall be of concrete or stone with a minimum size of 6 inches by 6 inches by 30 inches and shall be marked on the top with a copper or brass dowel.

B. Monuments shall be set under direct supervision of a registered land surveyor so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the monument is level with the top of the surrounding ground.

C. Monuments shall be set at the intersection of lines forming angles in the boundary of the subdivision or development or at the intersection of street lines.

D. Monument locations must be shown on the final plan. Any monuments that are removed shall be replaced under direct supervision of a registered land surveyor at the expense of the person removing the monument.

2. *Markers.* Markers shall consist of iron pipes, iron, steel bars, or copperweld markers, at least 15 inches long and not less than ¾-inch in diameter.

A. Markers shall be set at the beginning and ending of all curves along street property lines.

B. Markers shall be set at all points where lot lines intersect curves either front or rear.

C. Markers shall be set at all of the property lines of lots.

D. Markers shall be set at all other lot corners.

E. Markers shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the marker is level with the top of the surrounding ground.

F. Markers shall be set under the direct supervision of a registered surveyor.

3. *Streets.* All streets shall be graded to the full width of the right-of-way surfaced and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider and approved by the Township Engineer. In subdivisions where sidewalks are not required, the sidewalk areas shall be graded in the same manner as if sidewalks were to be constructed.

A. Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications as contained in §22-503 of this Chapter.

B. Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Township.

4. *Curbs.* Where required, curbs shall be installed to the standards specified in §22-504 of this Chapter.

5. *Sidewalks.* Where required, sidewalks shall be installed to the standards specified in §22-505 of this Chapter.

6. *Wastewater Collection and Treatment.*

A. The method of wastewater disposal in a proposed subdivision shall be determined by the Township, in accordance with any adopted sewage facility plan. Generally, where a public wastewater collection system has the capacity and is within 1,000 feet of, or where plans approved by the governing bodies provide for the installation of such public wastewater collection facilities to within 1,000 feet of the proposed subdivision, the subdivider shall provide the subdivision with a complete wastewater collection system to be connected to the existing or proposed public system. The system shall be designed by an engineer and meet the regulations of the Pennsylvania Department of Environmental Protection and the respective municipal authority.

B. To aid the Township in making its decision upon the best method of wastewater disposal within a proposed subdivision, the subdivider shall submit two copies of the sewage planning module with the preliminary plan.

C. In cases where no Township wastewater collection and treatment facilities are available, as previously defined, a plan for wastewater disposal that best meets

the needs of the proposed subdivision will be presented by the developer for Township approval. This plan is to include, but will not be limited to, community system, an interim treatment plant, individual on-lot septic tanks, or other satisfactory methods of wastewater disposal.

D. The Township shall recommend the most suitable type of wastewater disposal in consideration of the Department of Environmental Protection action on the sewage planning module, the individual site characteristics of the proposed subdivision, and both the short-range (5 to 10 years) water and sewer program and the long-range (20 year) Cambria County water and sewer plan. Regardless of the method of wastewater disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facilities, 35 P.S. §750.1 *et seq.*, as amended, and other applicable local, State, and Federal regulations. A sewage planning module approval or waiver shall be obtained prior to Township plan approval authorizing construction.

E. Upon completion of the wastewater system, community disposal system, and/or interim treatment plant, one copy of as-built drawings shall be filed with the Township and one copy shall be filed with the respective municipal authority.

7. *Water.*

A. Where a municipal water supply system has the capacity and is within 1,000 feet of, or where plans approved by the governing body or private water company provide for the installation of municipal water supply facilities to within 1,000 feet of the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall be designed by an engineer and meet the regulations of the Pennsylvania Department of Environmental Protection and the respective municipal authority. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection, when such permits are required, shall be presented to the Township prior to approval of plans authorizing construction.

B. In cases where no municipal or community water supply system is available, each lot in a subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.

C. The plans for installation of the mains of a water supply system shall be prepared for the subdivision with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the agency of the water supply to which the subdivision will be connected shall be submitted to the Township with the preliminary plan.

D. Upon the completion of the water supply system, one copy each of the as-built drawings for such system shall be filed with the Township.

8. *Stormwater Management Control.*

A. Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface runoff away from buildings into the natural drainage system of the area, stormwater management control improvements, as required by the Township Engineer and/or any Township Stormwater Management Ordinance [Chapter 23], and State regulation shall be installed and maintained in accordance

with the plans submitted by the subdivider or developer and approved by the Township Engineer. The improvements shall be designed and constructed to the standards set forth in §22-511 of this Chapter and/or any Township Stormwater Management Ordinance [Chapter 23]. Outlets shall be approved by the owner of properties affected and by the Township.

B. One copy of as-built drawings of stormwater management control systems shall be filed with the Township. Under no circumstances shall storm sewers be connected with sanitary sewers.

9. *Off-Street Parking.* Each proposed dwelling unit in a subdivision shall be provided with two off-street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the dwelling units served. Driveway and parking compounds shall provide two usable parking spaces each containing 200 square feet.

10. *Street Name Signs.* Street name signs shall be placed at all intersections in conformance with Township specifications. Signs shall be paid for by the subdivider and installed by the Township.

11. *Buffer Area.* All nonresidential subdivisions shall include a landscaped buffer of at least 6 feet along all public roadways, and 10 feet along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least 50 percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least 3 feet in height at the time of planting.

(Ord. 1-2006, 7/5/2006, §602)

§22-603. Recommended Improvements.

Although not required, the following improvements are recommended as valuable to safety, convenience, and attractiveness of a subdivision. They, therefore, are a great asset not only to the Township and the county as a whole, but also to the potential buyer and residents of the area.

A. *Streetlights.* In accordance with the conditions to be agreed upon by the subdivider, the Township, and the appropriate public utility, street lights are recommended to be installed in all medium and high density subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agency and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.

B. *Shade Trees.* All possible efforts should be made by the subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of 2 inches shall be planted between the sidewalk and the building line at least 5 feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of 6 feet wide. Preserved shade trees may be included in the buffer areas required under §22-602.11.

C. *Fire Hydrants.* Fire hydrants should be provided as an integral part of any water system and shall be in accordance with the specifications set forth by the National Fire Protection Association, and as approved by the respective local fire company. The fire hydrants shall be placed at intervals of not more than 1,000 feet,

and shall contain a minimum of two, 2½-inch outlets and one, 4½-inch pumper outlet, unless specified otherwise by the local fire company to insure compatibility with firefighting equipment.

D. *Underground Wiring.* It is strongly recommended that all electric, telephone, and television cable lines be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utilities.

(Ord. 1-2006, 7/5/2006, §603)

Part 7**Mobile Home Park Design Standards****§22-701. General Requirements.**

The general design standards and required improvements of Parts 5 and 6 and residential design standards shall apply to mobile home park subdivisions or developments even though streets may not be submitted for dedication. The following additional standards shall also apply to mobile home developments.

(Ord. 1-2006, 7/5/2006, §701)

§22-702. Specific Design Standards.

1. *Site Location.* A mobile home park shall be located on land having a reasonably flat terrain, having an average slope of 8 percent or less. The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by the 100-year flood and shall have access to public roads. The minimum size requirement for a mobile home park shall be 3 acres.

2. *Placement of Mobile Homes.* Each mobile home site shall be provided with a stand or pad consisting of two concrete strips to accommodate the axles of the mobile home. The poured concrete base shall measure 1 foot deep, 3 feet wide, and 70 feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio 1 foot wide and at least 180 square feet in area; located at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home. The length of each mobile home unit shall be parallel with the contour of the land so that no end of the unit is elevated higher than the other from the ground.

3. *Mobile Home Lot Requirements.* Lot area, dimension, setback, and coverage shall meet Township approval and the following minimal requirements:

- A. Minimum lot area—5,200 square feet per lot.
- B. Minimum lot width—45 feet.
- C. Minimum setback from other homes and buildings—30 feet.
- D. Minimum setback from streets, paved areas, common areas—30 feet.
- E. Maximum lot coverage by buildings/structures—25 percent.

4. *Buffer Areas.* All mobile home parks projected to contain more than 10 units at full build-out shall be bounded by a buffer area with a minimum of 35 feet depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except at access road crossings. All mobile home parks projected to contain less than 10 units at full build-out shall be bounded by a buffer area with a minimum of 10 feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except at access road crossings. Buffer areas shall be landscaped and consist of at least 50 percent evergreens. All landscaping shall be at least 3 feet in height at the time of

planting.

5. *Recreation Areas.* A mobile home park shall be provided with a recreation area for mobile home park residents. The recreation area shall be no less than 5 percent of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.

6. *Laundromats.* All mobile home parks projected to contain more than 10 units at full build-out shall provide for at least one laundromat for the exclusive use of residents of that park. At least one washer for every 10 mobile homes and one dryer for every 15 mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all ADA requirements and meet all applicable regulations of the Pennsylvania Department of Environmental Protection.

7. *Utilities.* All utilities serving mobile home lots shall be placed at least 4 feet underground. Each mobile home in the park shall be served by public water and sewerage or central water and sewerage systems as well as electric and other utilities.

8. *Drainage.* Storm drainage from roofs and paved areas shall be channeled to drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be managed according to the requirements prescribed by the Township Engineer, Township Stormwater Management Ordinance [Chapter 23], this Chapter, or State regulation.

9. *Storage Sheds.* Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall be at least 360 cubic feet and shall be located within 150 feet of said mobile home.

10. *Refuse Storage.* Each mobile home shall provide its own garbage and refuse containers in accordance with Township regulations pertaining to garbage and other solid wastes, or the mobile home park shall provide a dumpster and private hauling service where individual mobile homes cannot be served.

11. *Wastewater Systems.* Each mobile home lot shall be provided with at least a 4-inch diameter vertical riser pipe which connects the mobile home drain outlet to the sewer line. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least 6 inches above ground elevation.

12. *Water Systems.* Each mobile home lot shall have a water riser pipe with a minimum inside diameter of ¾-inch which connects the mobile home water supply to the central water system. An outside hose bib shall be supplied for each mobile home.

13. *Parking Areas.* Two off-street parking spaces shall be provided for each mobile home. All parking spaces for mobile home lots shall be paved.

14. *Sidewalks.* All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland cement concrete to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of 4 feet.

15. *Ingress and Egress.* Access points to public streets from a mobile home park

shall be located no less than 60 feet from any public street intersection. Streets within the mobile home park to be offered for Township dedication shall be constructed to Township specifications as described in Part 5, except that one-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Township Engineer. All streets within mobile home parks, whether offered for Township dedication or not, shall conform to the following:

A. *General Requirements.* A safe and convenient vehicular access shall be provided from abutting public streets or roads.

B. *Access.* The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of 24 feet. Wherever a street intersects a public street, a stop sign shall be installed and maintained in accordance with Township regulations.

C. *Illumination.* All parks shall be furnished with lighting units so spaced and equipped to provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting units shall be installed to avoid glare above the lights and onto adjacent properties.

D. *Paving.* All Streets shall be provided a bituminous or concrete surface which shall be durable and well drained under normal use and weather conditions.

16. *Street Signs.* Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased by the developer and installed by the Township.

(Ord. 1-2006, 7/5/2006, §702)

Part 8**Supplementary Land Development Requirements****§22-801. General Requirements and Intent.**

In accordance with the definition in this Chapter, per the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. §10101 *et seq.*, land development may include various types of development and subdivision of land. In this regard, Parts 5 and 6 delineate design standards and construction requirements which are intended to apply to all types of development, while Part 7 applies standards to the design of mobile home parks. It is recognized by the Board of Supervisors that certain types of land development may have needs and requirements not met by these Parts. This Part provides such supplementary standards for various forms of nonresidential development such as commercial retail, professional offices, and manufacturing uses. It is the intent of this Part to supplement and not replace any of the standards and requirements of the above-referenced Parts.

(*Ord. 1-2006, 7/5/2006, §801*)

§22-802. Submission Review Procedures and Plan Requirements.

The submission and review procedures contained in Parts 3 and 4 shall be required for all land development proposals, as noted in each applicable Section of the above referenced Parts. In addition, the following shall be required for all proposals for commercial retail and professional office development in excess of 5,000 square feet, and for all proposals for manufacturing uses:

A. A traffic study analyzing the capacity of area streets, roads, and intersections abutting the development. The study shall include at a minimum an analysis of the system before development, at each phase of development (if applicable), and at full build-out. The study shall include an analysis of capacities, levels of service, and improvements required to maintain acceptable levels of service.

B. A landscape plan for the site prepared by a landscape design or site planning professional.

C. A sewer and water study of the proposed development as directed by the Township Engineer.

(*Ord. 1-2006, 7/5/2006, §802*)

§22-803. Off-Street Parking and Loading.

1. Commercial developments within the scope of these regulations shall provide paved parking areas. The minimum number of 9-foot by 18-foot parking spaces to be provided will vary depending upon use and/or interior and/or gross square footage area as summarized below:

A. Department stores—1 space per 200 square feet.

B. Other retail—1 space per 250 square feet.

C. Banks and related—1 space per 250 square feet.

- D. Offices—1 space per 333 square feet.
- E. Houses of worship—1 space for every five seats.
- F. Hotels and motels—1 space per unit.
- G. Supermarkets—1 space per 200 square feet.
- H. Sit-down restaurants—1 space per 333 square feet.
- I. Fast-food restaurants—6 spaces per 200 square feet.
- J. Community buildings—30 percent of capacity in persons.

2. For uses not classified above, not less than 3 square feet of paved parking area inclusive of access lanes, for every 1 square foot of interior floor area.

3. In addition, paved truck loading, unloading, and maneuvering can be accommodated with the property lines. All commercial establishments in excess of 10,000 square feet of gross floor areas shall provide a loading dock or berth. The gross floor area at which point second dock or berth is required will vary with use as summarized below:

- A. Wholesale—40,000 square feet.
- B. Retail—20,000 square feet.
- C. Office and services—100,000 square feet.
- D. Restaurants—25,000 square feet.
- E. Hotels/schools—100,000 square feet.

4. Industrial developments within the scope of these regulations shall provide a minimum of paved off-street parking in the ratio of one parking space for every employee anticipated during the peak work shift. In addition, paved truck loading areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines.

5. In addition to the requirements for commercial and industrial parking areas noted above, parking facilities provided shall also include the following:

A. *Illumination.* All parking areas shall be illuminated by light standards with a maximum height of 40 feet, with sharp cut-off shields on the fixtures to allow the direction of lighting on the lot and to avoid glare above the lot and on adjacent properties.

B. *Interior Landscaping.* All parking areas shall include interior landscaping of at least 10 percent of the area of the parking lot, exclusive of any buffer areas provided under §22-602.11 above. The interior of the parking area includes that area between the frontage or buffer yard and any paved walkways or the structure, when a walkway is not necessary.

C. *Sidewalk.* The principal access point for commercial establishments abutting the parking lot shall have a paved sidewalk with a minimum width of 5 feet.

D. *Access Drives.* Each parking area shall include adequately sized access drives having a minimum width of 12 feet when separate exit and entrance lanes are provided, and 20 feet when combined exit and entrance lanes are provided.

E. *Special Access Designation.* Fire lanes and handicap parking stalls appropriately located in relation to the structure shall be designated by signage

and pavement markings.

(Ord. 1-2006, 7/5/2006, §803)

§22-804. Supplementary Requirements.

Nonresidential development shall be designed in a manner that maximizes benefits and minimizes conflicts in relation with public safety. Specific supplementary requirements are as follows:

A. In addition to the parking requirements in §22-803, all nonresidential proposals shall meet the following:

(1) In cases where more than a single row of parking spaces are required due to projected parking demand and or site conditions the following design configurations shall be followed:

(a) A minimum parking bay width of 45 feet shall be provided for a 45-degree (diagonal) parking, with a one-way and minimum 14-foot wide parking access lane.

(b) A minimum parking bay width of 61 feet shall be provided for a 90-degree (head-in) parking with a two-way minimum 25-foot wide parking access lane.

(2) All parking areas shall be paved with an asphalt surface or with concrete and include adequate drainage control as approved by the Township Engineer and/or in accordance with any Township Stormwater Management Ordinance [Chapter 23].

(3) Parking areas shall be designed so that vehicles shall not back out onto a public right-of-way.

B. Proposed developments with drive-in facilities shall meet the following standards:

(1) No more than two driveways shall be provided to any one property from a public right-of-way.

(2) The maximum width of driveways shall be no wider than 50 feet.

(3) Driveways shall be no closer than 30 feet from any adjacent property line.

(4) The intersection of any private drive and a public right-of-way shall provide for proper sight distance visibility, in accordance with current Pennsylvania Department of Transportation standards for driveway occupancy.

(5) A driveway occupancy permit shall be required from the Pennsylvania Department of Transportation for any driveway access to a State highway prior to plan approval.

(6) Gasoline or other fuel pumps shall be no closer than 20 feet to any public right-of-way.

C. All proposed structures and buildings shall be no closer than 50 feet to any right-of-way line.

D. Proposals for industrial and/or commerce parks shall meet the following

requirements:

- (1) A 50-foot buffer shall be provided around the proposed park.
- (2) Any internal illumination shall be of the sharp cut-off variety avoiding glare above and onto adjacent properties.
- (3) An internal street or traffic circulation system shall be provided.
- (4) All plans for individual structures or buildings shall be subject to review under the requirements of this Chapter.

E. Proposals for manufacturing facilities shall meet the following requirements.

- (1) Loading docks shall be provided, being at least 14 feet wide and 14 feet high; and shall not be located in the front of the building.
- (2) All outdoor storage areas shall be buffered by landscaping or a fence.
- (3) Manufacturing buildings may not cover more than 25 percent of the lot.

(Ord. 1-2006, 7/5/2006, §804)

§22-805. Street Name Signs.

Street name signs shall be placed at all intersections in conformance with the specifications of the Township. They shall be paid for by the developer and installed by the Township.

(Ord. 1-2006, 7/5/2006, §805)

§22-806. Buffer Areas.

All nonresidential land developments shall include a landscaped buffer area of at least 6 feet along all public roadways, and 10 feet along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least 50 percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least 3 feet in height at the time of planting.

(Ord. 1-2006, 7/5/2006, §806)

Part 9**Recreational and Seasonal Land Development Standards****§22-901. General Requirements.**

A recreational and seasonal land development includes the improvement and development of land for seasonal and/or leisure time activities. Such developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include travel trailers, motor homes, campers, lots intended for tents, and land intended for various other outdoor recreational activities such as hunting and fishing. However, developments comprised of cottages, cabins, second homes, and other permanent and fixed dwelling structures, and any recreational and seasonal lots for sale are excluded from this Part and are viewed as residential subdivisions in relation to this Chapter.

A. *Classification.* Whenever any land development is proposed, before any contract is made for the sale or lease of any land, and before any permit for development in such proposed land development shall be granted, the owner or his agent shall apply for and secure approval of such proposed land development in accordance with the following procedures for development, as follows:

(1) Minor development—includes 10 or fewer campsites for recreational and/or seasonal use:

- (a) Sketch plan (optional).
- (b) Final plan.

(2) Major land development—includes 11 or more campsites for recreational and/or seasonal use:

- (a) Sketch plan (optional).
- (b) Preliminary plan.
- (c) Final plan.

B. *Pre-application Consultation.* Prior to filing an application for approval of a land development within the Township, the owner or his authorized agent, shall meet with the Board of Supervisors for an official classification of the proposed development. The Board of Supervisors shall determine whether the proposal shall be classified as a minor development or a major land development, and shall advise as to which of the procedures must be followed.

C. *Official Filing Date.* For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Board of Supervisors next following the date the application and plans are received at the Township Building. Should that said regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the thirtieth day following the day the application has been submitted. On receipt of an application for land development approval, the Board of Supervisors shall affix to the application the date of submittal and the official filing date.

D. *Cambria County Planning Commission Review.* All plans shall be submitted to, reviewed, and approved by the Cambria County Planning Commis-

sion in accordance with its prevailing rules and regulations. The Township shall forward to the applicant any report of the Cambria County Planning Commission. The Township shall not approve any application until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County.

(Ord. 1-2006, 7/5/2006, §901)

§22-902. Submission and Review of Sketch Plan (Optional).

The submission and review of the sketch plan for land developments shall follow the procedures outlined in §22-302.

(Ord. 1-2006, 7/5/2006, §902)

§22-903. Official Submission and Review of the Preliminary Plan.

The submission and review of the preliminary plan shall follow the procedures outlined in §§22-304 and 22-305. Prior to the review and approval of the preliminary plan, the applicant must make application and meet all requirements of the Pennsylvania Department of Environmental Protection regulations, 25 Pa.Code, Chapter 191, regarding organized camps and campgrounds, as well as any other State regulations which may apply.

(Ord. 1-2006, 7/5/2006, §903)

§22-904. Official Submission and Review of the Final Plan.

The submission and review of the final plan shall follow the procedures outlined in §§22-306 and 22-307.

(Ord. 1-2006, 7/5/2006, §904)

§22-905. Recording of the Final Plan.

The recording of the final plan shall follow the procedures outlined in §22-308.

(Ord. 1-2006, 7/5/2006, §905)

§22-906. Performance Guarantees.

The submission of required performance guarantees shall follow the procedures outlined in §22-309.

(Ord. 1-2006, 7/5/2006, §906)

§22-907. Plan Requirements.

Plan requirements for all recreation and seasonal land developments shall follow the requirements outlined in Part 4.

(Ord. 1-2006, 7/5/2006, §907)

§22-908. Design Standards.

1. Recreational and seasonal land developments shall be designed pursuant to be applicable standards and requirements contained in Parts 5 and 6 in this Chapter except for the following:

- A. Sections 22-503 and 22-602.3, “Streets” (with the exception of §22-503.6 which remains in effect for situations as noted in subsection .3 below).
 - B. Sections 22-504 and 22-602.4, “Curbs.”
 - C. Sections 22-505 and 22-602.5, “Sidewalks.”
 - D. Section 22-506, “Blocks.”
 - E. Section 22-507, “Lots.”
 - F. Section 22-602.9, “Off-Street Parking.”
2. The following design standards apply to recreational and seasonal land developments not covered elsewhere in this Chapter:
- A. *Streets.*
 - (1) The land development shall be designed to provide an access and internal traffic circulation system adequate to accommodate the type and volume of traffic to be generated, and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth, free from mud, dust, and/or standing water. All private streets shall be considered to be required improvements. The following minimum standards apply to all private streets:
 - (a) Right-of-way width—40 feet.
 - (b) Cartway width—16 feet for two-way roads, 10 feet for one-way roads.
 - (c) Cartway construction—6 inches of suitable, compacted, and graded stone base material to provide a permanent and all-weather surface which will facilitate storm drainage management.
 - (d) *Maximum Allowable Grade.* The maximum allowable grade for private roads shall be a 10 percent slope for distances of no more than 500 feet; however, special drainage measures and considerations will be required on grades exceeding 6 percent slopes, including special roadway cross-sections, grading, shoulder construction and stabilization, cross drainage structures, and cut-and-fill slopes, as approved by the Township Engineer.
 - (e) *Cul-de-Sac Minimum Standards.* While there are no minimum or maximum length requirements, excessively long segments are discouraged due to emergency vehicle access considerations. A turnaround area shall be provided at the terminus of all dead-end and/or cul-de-sac segments; having an unobstructed maneuvering area of 50 feet in radius.
 - (2) The internal street and roadway system shall be privately owned, noted as such on the final plan; and, provide safe and convenient access to all camp sites and facilities. The alignment and gradients of all internal streets and roadways shall be properly adapted to the topography, to the types of anticipated traffic, and to the satisfactory control of surface water. Points of connection between the private street and roadway system and the existing public street system shall be designed to avoid congestion and hazardous intersections, in accordance with §22-503.6.
 - B. *Lots.* Individual campsites shall be comprised of a minimum area of at least 1,500 square feet, with no more than a total of 15 individual campsites per

acre. Each campsite shall be accessible from the private street or roadway system without the necessity to cross any other campsite. In addition, recreation vehicle campsites shall have a minimum width of 40 feet, and a minimum depth of 50 feet or 30 percent longer than the maximum length of recreational vehicle anticipated to occupy the space.

C. *Parking.* Parking spaces shall be provided to accommodate the number and size of vehicles anticipated. Parking spaces for all campsite users shall be on the campsite lot. Additionally, a minimum of one parking space for every two campsites shall be provided for visitors. Parking spaces for visitors may be on a common parking area. Parking spaces shall be of a compacted and graded stone base material to provide a permanent and all-weather surface, supporting the types, lengths, and weights of vehicles using the facility.

D. *Campsites.* Individual campsites and accessory buildings shall be designed to be at least 50 feet from any arterial highway, or 35 feet from any other type of public right-of-way. Recreational vehicle campsites for trailers, campers, and/or motor homes shall contain a stabilized vehicular parking pad of shale, gravel, stone, or other suitable material, and shall be dimensioned that when any space is occupied, no portion of any camping unit shall be within 10 feet of any portion of any other camping unit or accessory building, and at least 15 feet from any internal private roadway.

E. *Relationship with Adjoining Properties.* The design of proposed land developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of 10 feet shall be provided along the perimeter of the land development, within which no campsites shall be located.

F. *Minimum Acreage.* The minimum size for a recreational vehicle park is 5 acres of which 10 percent shall be set aside and developed as common use areas for open and unenclosed recreational facilities, which may include any required buffer area.

(Ord. 1-2006, 7/5/2006, §908)

§22-909. Improvements.

Where appropriate, the applicant of any land development shall be required to provide the following improvements, or a suitable guarantee pursuant to §22-309, and address at least the following:

A. Streets and access roads, including, where applicable, parking areas, driveways, curb cuts, and traffic control devices.

B. Utilities including, where applicable, stormwater management facilities, sanitary sewer facilities, water facilities, plumbing facilities, gas lines, electrical facilities, telephone, and other utility facilities.

C. Any proposed amenities including recreational facilities, meeting facilities, and screening and landscaping.

D. Any other improvements which may be required for approval.

E. Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner and/or operator of the facility.

(*Ord. 1-2006, 7/5/2006, §909*)

§22-910. Minimum Facilities.

1. At a minimum, land developments proposed under this Part shall include certain facilities, depending upon the type of camping area planned:

A. Camping areas intended to primarily serve the needs of overnight tenting camping shall include toilet facilities.

B. Camping areas intended to primarily serve the needs of overnight camper, trailer, and motor home users shall include the availability of electric service to individual campsites. Central travel trailer sanitary and water stations, and toilet facilities.

C. Camping areas intended to serve as longer term destinations shall include back-in parking at campsites. Individual electric and water connections, central travel trailer sanitation station, and central toilet and shower facilities.

2. The above are minimum requirements, and may be subject to more stringent requirements imposed by Pennsylvania Department of Environmental Protection regulations of 25 Pa.Code, Chapter 191. The applicant may provide enhanced facilities such as laundry, picnic, swimming, and other facilities. The applicant shall specify the manner in which all facilities are to be privately maintained.

(*Ord. 1-2006, 7/5/2006, §910*)

Part 10**Fees****§22-1001. Payment of Fees.**

The following fees shall be paid by the developer, subdivider or his agent to the Township by check or money order:

A. An application fee for preliminary plan review, when such plan is required, shall be as established by resolution by the Board of Supervisors.

B. An application fee for final plan review shall be as established by resolution by the Board of Supervisors.

C. A fee for review of the plan by the Cambria County Planning Commission, if required, will be set by the Commission.

D. Financial security in the amount of 110 percent of the cost of proposed required improvements, if the completion of such improvements is to be delayed as a condition of final approval (See Part 3).

E. Final security for the maintenance of improvements for no more than 18 months from the date of their acceptance of dedication and not to exceed 15 percent of their actual cost of installation (See Part 3).

F. An inspection fee based on the actual cost of inspection by the Township Engineer of required improvements.

G. A plan review fee based on the actual cost of any plan review by the Township Engineer.

(Ord. 1-2006, 7/5/2006, §1001)

Part 11**Relief from Requirements****§22-1101. General Provisions.**

1. From time to time a situation may arise where the standards of this Chapter cause an undue hardship or prove unreasonable in application. Faced with this situation, a modification or alteration of the requirements may be granted from the literal application of the standards. Modifications may not be contrary to the public interest and must observe the basic purpose and intent of this Chapter.

2. Requests for a waiver, alteration, or modification of requirements must not be confused with relief granted by a variance under zoning restrictions. A zoning variance requires a difficult five point finding of facts by a zoning hearing board, whereas the subdivision and land development process requires approval be obtained to alter site requirements in accordance with Municipalities Planning Code, §§503(5), 503(8), and 512.1, 53 P.S. §§10503(5), 10503(8), 10512.1. Traditionally, governing bodies grant an alteration or modification to ordinances.

3. Assurance must be provided that any modification is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, street grade or slope, cul-de-sac length, or problems over the width of an existing right-of-way. In most cases minor design modifications will not jeopardize public safety.

4. Any request must be submitted in writing, citing the specific provisions or standards from which relief is requested, and should be part of the preliminary or final plan submission. A request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the Board of Supervisors. This record will document the reasons for the request, facts of unreasonableness, and any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

(Ord. 1-2006, 7/5/2006, §1101)

Part 12**Administration, Amendment, and Enforcement****§22-1201. Revision and Amendment.**

The Board of Supervisors may revise or amend in whole or in part this Chapter; provided, however, that the amendment thereof shall be accomplished in accordance with the provisions of §505 of the Municipalities Planning Code, 53 P.S. §10505, as supplemented and amended.

(*Ord. 1-2006, 7/5/2006, §1201*)

§22-1202. Modification of Requirements.

1. *Modified Standards.* The provisions of this Chapter are the minimum standards for the protection of the public welfare. The Board of Supervisors reserves the right to modify or to extend these regulations as may be necessary in the public interest.

2. *Waiver.* If a majority of the Board of Supervisors feels this Chapter causes undue hardship upon a particular subdivision, they may grant a waiver, providing it does not nullify the intent and purpose of this Chapter. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, advance the achievement of the intent of this Chapter. The standards and requirements of these regulations may be modified by the Board of Supervisors in the case of a plan or program for community, new town, neighborhood, cluster subdivision, or mobile home park; which in the judgment of the Board of Supervisors provides adequate open and public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated; and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of the Township.

(*Ord. 1-2006, 7/5/2006, §1202*)

§22-1203. Reconsideration and Appeal.

1. Any subdivider aggrieved by a finding, decision, or recommendation of the Board of Supervisors may request and shall receive another opportunity to appear before the Board of Supervisors to present relevant information. This request shall be in writing, within 30 days after the original date of action by the Board of Supervisors.

2. Upon receipt of such appeal, the Board of Supervisors shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.

3. After such hearing, the Board of Supervisors may affirm or reverse the original action of the Board of Supervisors by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Board of Supervisors. Affirmative action shall authorize the subdivider to continue the application from the point at which it was interrupted.

4. Any person aggrieved by action of the Board of Supervisors may appeal, within 30 days, directly to the Court of Common Pleas of Cambria County in accordance with

and in a manner prescribed by law.

(*Ord. 1-2006, 7/5/2006, §1203*)

§22-1204. Maintaining Records.

The Board of Supervisors shall maintain a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review at the Township offices.

(*Ord. 1-2006, 7/5/2006, §1204*)

§22-1205. Penalties.

Any person who shall subdivide or develop any lot, tract, or parcel of land or shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or common use of occupants of a building abutting thereon; or who wills, or agrees or enters into an agreement to sell any land in a subdivision of land development or erect any buildings thereon; without having first complied with the provisions of this Chapter and the Act of Assembly under which they have been adopted; shall by the terms of the Act of Assembly be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agents of any of them, responsible for such violation; shall pay a fine not exceeding \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation; in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation.

(*Ord. 1-2006, 7/5/2006, §1205; as amended by Ord. 2010-2, 11/3/2010*)