

Chest Township Subdivision Ordinance Notice

Notice is hereby given that the Board of Supervisors of Chest Township intends to enact an ordinance adopting regulations for the control of subdivision of land within the township at its regular monthly meeting to be held on September 7, 1961.

Said proposed ordinance reads as follows:

Ordinance No. ONE

Adopting Regulations for the Control of Subdivision of Land Within the Township; Establishing Processing Procedures for Plans, Improvements and Streets; Establishing Conditions for the Acceptance of Plans, Streets and Improvements; and Prescribing Fines and Penalties for the Violation Thereof.

Be it Ordained and Enacted by the Board of Supervisors of the Township of Chest and it is hereby ordained and enacted by authority of the same as follows:

Article I – Purposes.

The purpose of this ordinance is to assure sites suitable for building purposes and human habitation and to provide for the harmonious and healthful development of the Township of Chest for coordination of existing streets with proposed streets, for insuring adequate open space for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Township. The further purpose of the ordinance is to provide uniform and

equitable land subdivision regulations, procedures and standards for observance by land developers, land users, and the Board of Supervisors of the Township.

Article II – Short Title.

The ordinance shall be known and may be cited as the “Chest Township Subdivision Ordinance”.

Article III – Subdivision.

Control.

Section 1. Subdivision shall be defined as the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

Section 2. No subdivision of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use, or travel, or for the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of this ordinance.

Section 3. No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in the subdivision may be issued, and no building may be erected in a subdivision unless and until a plan of such

subdivision shall have been approved and properly recorded, and until the requirements required by the Board of Supervisors in connection therewith shall have been constructed or guaranteed as hereinafter provided in this ordinance.

Section 4. Before approving any subdivision plan for recording, the Board of Township Supervisors shall either require that the necessary grading, paving and other street improvements, including where specified by the Board, water mains, sanitary sewers and storm sewers, shall have been installed in strict accordance with the standards and specifications of this ordinance, or that the Township be assured by means of a proper completion guarantee, in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated, by the township engineer or township supervisors, that the said improvements will subsequently be installed by the owner.

Article IV – Procedure

Section 1. Any owner of land within the township desiring approval of a subdivision of land shall submit a plan prepared by an engineer, drawn in accordance with the regulations herein prescribed, in triplicate, together with an application to the Board of Supervisors, accompanied by a filing fee of \$1.00 per lot; on each plan with a minimum of \$5.00 for each plan.

Section 2. All road or street construction plans shall be prepared in accordance with such rules and regulations as may be prescribed from time to time by the Township Supervisors and shall show the profiles of such roads,

streets, lanes or alleys; the course, structure and capacity of any drainage facilities, the method of drainage of the adjacent or contiguous territory and drainage profiles of the streets and plan showing drainage of the whole property and such further details as may be required from time to time by rules and regulations adopted by the Township Supervisors, and the standards and specifications of the Pennsylvania Department of Highways.

Section 3. The Board of Township Supervisors shall not approve any subdivision plan unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the townships official plan of streets, except land whereon buildings are to be constructed shall be of such character that it can be used for building purposes, without danger to health or peril from fire, flood or other hazard.

Section 4. All lots must have at least one acre for each dwelling and have at least seventy – five (75) feet frontage on the highway or street, provided, however, that the average frontage of lots on the plan shall be one hundred (100) feet, except as provided in section 9 hereof.

Section 5. All main or primary roads or streets in the said plot shall be at least thirty – five (35) feet wide and secondary or those of a type commonly known as alleys and which are not an integral part of a through route shall be at least twenty (20) feet wide.

Section 6. No plan will be approved by the Supervisors unless the streets or roads are of the width set forth in paragraph five hereof and proper plans are shown for necessary drainage as prescribed by the standards and specifications of the Pennsylvania Department of Highways.

Section 7. All main or primary streets thirty – five (35) feet or more in width must be paved to the width of at least sixteen (16) feet with at least six (6) inches of No. 4. stone, after rolled and covered with at least four (4) inches of No. 1. stone and properly ditched and drained in accordance with Section 6. hereof.

Section 8. All secondary streets or alleys twenty (20) feet or more in width, but less than thirty – five (35) feet, must be paved with at least four (4) inches of No. 2b. stone, and properly ditched and drained in accordance with Section 6 hereof.

Section 9. Any subdivision that has its own sewage disposal system and its own water system both approved by the Pennsylvania Department of Health will be approved by the Supervisors where the lots are not less than one – half (1/2) acre with at least 75 feet frontage on the highway.

Section 10. Plans of subdivisions wherein lots abut existing streets of insufficient width, or streets proposed to be laid out through unimproved land, shall be subject to approval or rejection by the Supervisors.

Section 11. The Supervisors may alter any subdivision plan and specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.

Section 12. No house or dwelling shall be constructed nearer than twenty – five (25) feet to the road or street upon which it is facing, nor nearer than fifteen (15) feet to the sides of the property on which it is erected.

Section 13. The Supervisors may designate a capable person to act as Inspector with full power and authority to enforce the provisions of this Ordinance.

Article V – Approval or Disapproval.

Section 1. Before acting on any subdivision plan the Supervisors may arrange for a public hearing thereon, after giving such notice as the Supervisors may deem desirable in each case.

Section 2. Approval or disapproval by the Supervisors or Court shall not be subject to approval or disapproval by the planning body of any other municipality.

Section 3. No action by the Supervisors with respect to a subdivision plan shall be construed to require the Township to accept dedication of any road, street, lane or alley.

Section 4. In any case where the Supervisors disapprove a subdivision plan, any person aggrieved thereby may within thirty days thereafter appeal therefrom, by petition to the Court of Quarter Sessions of the county, which Court shall hear the matter de novo and after hearing enter a decree affirming, reversing, or modifying the action of the Supervisors, as may appear just in the premises. The Court shall designate the manner in which notices of the hearing

of any such appeal shall be given to all parties interested. The decision of the court shall be final.

Section 5. In the event the Supervisors or the Court on appeal approves any subdivision plan, a certified copy of such plan shall, within thirty days of the date of approval, be recorded by the owner or subdivider in the office of the Recorder of Deeds of the County.

Section 6. No subdivision plans shall be approved by the Supervisors until approved by the Pennsylvania Department of Health.

The subdividers must submit a feasibility report for connecting to a public water supply and sewage facilities; or a project type water supply and on site sewage treatment facility; or for on lot water supply and sewage disposal which must include the results of soil absorption (percolation) tests as prescribed by the State Department of Health, and ground water availability and quantity. The facilities to be provided must be considered in the above order.

Article VI – Penalties and Enforcements

Section 1. Any person, copartnership or corporation who or which shall subdivide any lot, tract parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main for public use or travel, or for the common use of occupants of buildings abutting thereon, or shall sell any lot or erect any building on any subdivision without having first complied with the provisions hereof and the subdivisions regulations adopted hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the

members of such copartnership, or the officers of such corporation responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two (2) years or to pay a fine not exceeding one thousand dollars (1,000.00) of both, in the discretion of the Court.

Section 2. In addition, in case any person, copartnership or corporation shall violate any of the provisions of this Ordinance, the Supervisors shall have the power in the name of the Township to institute proceedings against such person for injunctive or other equitable relief or relief at law.

Section 3. There, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, the Supervisors may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

Article VII – Validity and Repealer.

Section 1. The provisions of this Ordinance shall be severable and if any of its provisions, or any part of any provision shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional illegal or invalid provision not been included herein.

Section 2. All ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

This ordinance shall become effective five (5) days after its adoption.

Bernard Niebauer, Chairman

I. J. Warner, Vice-Chairman

Herman J. Leiden, Secretary

Board of Supervisors

Of Chest Township,

Cambria County, Pennsylvania

Paul D. Larimer, Esq., Solicitor

Englehart, Larimer & Englehart.

216-19 Masonic Building,

Ebensburg, Pennsylvania.

The above Ordinance was adopted by Resolution at a regular meeting September 7, 1961. and so recorded on Page 58 September 7, 1961 on the minute book of the Board of Supervisors of Chest Township.

Bernard Niebauer – Supervisor

I. J. Warner - Supervisor

Herman J. Leiden – Supervisor

Attest –

Herman J. Leiden Secretary