

ORDINANCE NO. 01-2006

**AN ORDINANCE OF THE TOWNSHIP OF SALEM,
WESTMORELAND COUNTY, PENNSYLVANIA REGULATING SUBDIVISIONS AND LAND
DEVELOPMENT WITH THE TOWNSHIP OF SALEM AND PROVIDING
REMEDIES AND PENALTIES FOR THE VIOLATION OF SAME**

ARTICLE I - GENERAL PROVISIONS

101. AUTHORITY:

This Ordinance is enacted pursuant to the authority granted to the Township of Salem under the Pennsylvania Municipalities Planning Code of 1968, Act 247, as amended by Act 170 of 1988, and as further amended by Act 2090 of 1990 and Act 131 of 1992. From and after the effective date hereof, the Board of Supervisors of the Township of Salem, Westmoreland County, Pennsylvania shall have the authority to regulate subdivision and land development within the Township, and any authority attempting to regulate same is pre-empted hereby.

102. SHORT TITLE:

This Ordinance shall be known and may be cited as the "Salem Township Subdivision and Land Development Ordinance."

103. EFFECTIVE DATE:

This Ordinance shall take effect five (5) days from the date of its enactment.

104. REPEALER:

All other Ordinances, parts of Ordinances or other Authority attempting to regulate subdivision and land development within the Township, are hereby repealed as of the effective date of this Ordinance, except those Ordinances or parts thereof expressly retained or incorporated herein.

105. LIABILITY:

The administration of the Ordinance shall not constitute a representation, guarantee or warranty of any kind by the Township of Salem, or any cooperating agency or municipality, and shall not create any liability upon the Township, its officials, or employees.

106. SEVERABILITY:

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

107. PROVISION OF RESERVATION:

This Ordinance shall not be construed as abating any action now pending under prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Township of Salem under any section or provision of regulations existing at the time of adoption of this Ordinance, or as vacating or annulling any rights of the Township of Salem except as shall be expressly provided for in this Ordinance.

108. STATEMENT OF PURPOSE:

The within Ordinance is hereby ordained and enacted by the Board of Supervisors of the Township of Salem for the protection of the public health, safety and well-being, consistent with the public good, and for the following stated purposes, all of which shall be part of and become the comprehensive plan of the Township of Salem::

- A. To provide the public with the assurance that conditions will be created favorable to the health, safety, and general welfare of the public.
- B. To establish reasonable standards of design and procedures for subdivision and land development review, in order to further the orderly layout and development of land.
- C. To provide the public with assurance that necessary improvements will be provided in new development amounts and sizes commensurate with the size of the subdivision and land uses to which the land will be allocated.
- D. To provide the public with the assurance that future plans, improvements, and dedications are reviewed and approved according to an established public policy.
- E. To provide the public with the assurance that lands subject to natural hazard or other harmful conditions shall either be made safe for the purposes for which such land is proposed, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- F. To promote groundwater recharge area protection and minimize groundwater supply contamination by establishing uniform lot sizes and performance standards.
- G. To promote the safe and orderly development of land within the Township and ensure its preservation for future generations of Salem Township residents.
- H. To preserve the rural nature of the Township by requiring sufficient space for both commercial and residential developments.
- I. To promote the harmonious existence between commercial and residential uses while allowing same to exist in close proximity to one another.

- J. To preserve the rights of property owners to engage in development activities while protecting adjoining property owners from any deleterious effects arising from such development.

109. JURISDICTION:

The enactment of this subdivision and land development ordinance by the Township of Salem shall act as a repeal pro tanto of the “Westmoreland County Subdivision and Land Development Ordinance,” in effect within the Township of Salem, at the time this Ordinance is adopted.

110. APPLICATION OF ORDINANCE:

- A. The provisions of this Ordinance shall apply to all subdivisions and land developments whose plans have not been recorded in the Office of the Recorder of Deeds in and for the County of Westmoreland, prior to the effective date of this Ordinance.
- B. The Scope of the Ordinance shall include all matters the Township of Salem is authorized to exercise control over by enactment of this Ordinance including but not limited to:
 - 1. All improvements within any tract or parcel undergoing subdivision or land development including, but not limited to streets, sewer systems, sewage disposal systems, water systems, and drainage facilities which border upon any such tract or parcels, land development activities, oil, natural gas, methane gas and other mineral extraction activities not otherwise pre-empted by State or Federal Law.
 - 2. The improvement of facilities adjacent to any tract or parcel undergoing subdivision or land development.
 - 3. The installation or extension of off-site improvements needed to adequately serve the subdivision or land development.

ARTICLE II - ADMINISTRATION

201. ADMINISTRATION:

All plans, applications and fees relating to subdivisions and land development in areas under the jurisdiction of this Ordinance shall be submitted to, processed, and approved or denied by the Board of Supervisors of Salem Township or as herein provided.

202. INTERPRETATION:

The standards herein established shall be deemed those minimum standards necessary to achieve the purposes of this Ordinance. These standards may be modified by the Board of Supervisors provided that a particular circumstance of any subdivision or land development warrants such modification to assure the purposes of this Ordinance. When any standard of this Ordinance shall conflict with any other duly adopted standard of any other regulatory agency, the Board of Supervisors shall designate the

appropriate standard for the purposes of this Ordinance. The terms imposed by this Ordinance, or those additional requirements imposed by the Board of Supervisors, shall be deemed controlling on any subdivision or land development hereafter, unless specifically pre-empted by other controlling legislation.

203. CONDITIONS:

The Board of Supervisors shall have the authority to attach reasonable conditions to any application submitted to the Board for review and approval. The applicant has a duty to comply with all conditions imposed by the Township. The Board of Supervisors may not release the approved plan, whether preliminary or final, until such conditions are completed. All conditional plan approvals shall be stipulated by the Board of Supervisors and agreed to by the Applicant. Any additional terms and conditions imposed by the Board of Supervisors shall be included in a Developer's Agreement, entered between the Township and the Applicant in a form approved by the Township.

204. PLAN AMENDMENT:

Any change in any approved subdivision or land development plan, as determined by the Board of Supervisors, shall be resubmitted and processed in the regular manner as set forth in this Ordinance.

205. EXCEPTIONS:

In the event strict compliance with the terms of this Ordinance create an unnecessary hardship upon an Applicant for a subdivision, the Board of Supervisors may grant an exception from same. Such exception shall be approved by the Board of Supervisors at a public meeting.

206. ENFORCEMENT REMEDIES:

The Board of Supervisors, in addition to other remedies referenced hereafter, may institute in the name of the Township of Salem, Westmoreland County, Pennsylvania, any appropriate action or proceeding to prevent, restrain correct, or abate in or about the premises proposed, intended, declared, or approved, as a subdivision or land development, any act, construction, sale or conveyance in contravention of the provisions of this Ordinance or in advance of any approval first required to be obtained.

207. ENFORCEMENT PENALTIES:

Enforcement of this Ordinance may be by Civil Enforcement proceedings, Criminal Enforcement Proceedings and/or an Action in Equity, initiated pursuant to the provisions of the Second Class Township Code, where applicable.

A. Unless otherwise provided herein, any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a Civil Enforcement proceeding

commenced by the Township of Salem, pay a judgment of not less than \$300.00 nor more than \$600.00, per violation. Each day or portion of a day that a violation continues shall constitute a separate violation. Where a penalty for a violation assessed through Civil Enforcement Proceedings remains unpaid for a period in excess of thirty (30) days, the violating party shall also pay a penalty of \$100.00 per day thereafter, together with any other additional fines imposed for subsequent or continuing violations, court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings.

- B. Enforcement of any part of this Ordinance which regulates building, housing, property maintenance, health, public safety, parking or water pollution, unless otherwise prescribed herein, shall be by summary citation issued under the Pennsylvania Rules of Criminal Procedure and the violation of any such term of the Ordinance shall constitute a summary offense. The Township Solicitor may assume control of the prosecution with the consent of the Westmoreland County District Attorney as required under Pa. R. Crim. P. No. 83(c) (relating to trials in summary cases). Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon conviction before a Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not less than \$300.00 nor more than \$1,000.00, per violation, and, upon failure of payment, shall be sentenced to the maximum period of imprisonment permitted by law for summary offenses. Each day or portion of a day that a violation continues to exist shall constitute a separate violation.
- C. Nothing in this Section shall be deemed or construed to limit or affect the Township's ability to enforce this Ordinance through an action in equity filed in the Court of Common Pleas of Westmoreland County, Pa. In the event an equity action is filed, the Township may include and request those penalties imposed through either the Civil Enforcement proceeding or Criminal Enforcement proceedings referenced above in such proceeding.

208. FEES:

The applicant shall pay to the Township of Salem all fees established by this Ordinance, and/or as may be established by Resolution adopted by the Board of Supervisors thereafter. The initial application fees are hereby established as follows:

- a. **Sketch Plans** - there shall be no fee for the submission and review of sketch plans;
- b. **Minor Subdivisions** - \$100.00 plus an additional \$35.00 for each lot in the proposed subdivision;
- c. **Major Subdivisions** - \$200.00 plus an additional \$75.00 for each lot in the proposed subdivision;

d. **Apartment Buildings, Mobile Home Parks and other Multi-Unit Dwellings on a Single Lot** – \$200.00 plus \$75.00 for each residential unit developed; and

e. **Professional/Technical Review Fees** – In addition to the foregoing, the Developer shall pay all costs and expenses incurred by the Township for review of any Plans submitted to the Township Engineer, Solicitor, or any other Professional retained by the Township to review such Plan. The amounts charged to the developer shall represent the actual costs billed to the Township for the service provided.

The Board of Supervisors may modify those fees set forth in this paragraph by Resolution at anytime hereafter. No person shall have the right of refund resulting from withdrawal of an application or denial of any preliminary or final plan by the Board of Supervisors.

ARTICLE III - REVIEW AND APPROVAL PROCESS

301. GENERAL PROCEDURE:

Whenever any subdivision or land development is proposed prior to any contract for sale, lease, or any other instrument of land transfer, or whenever any land development causes the installation of roads, utility lines, gas wells, sub-surface transmission lines of gas or oil, prior to the commencement of any construction the applicant shall secure approval of the proposed development in accordance with the following procedures:

- A. A minor subdivision/development shall not exceed six (6) lots and shall not require the extension or installation of any new public street and shall not require the installation or extension of any community or public water system, public sewer system, or any other community or public improvements as required under this Ordinance.

Documents Required for Approval:

- (i) Sketch Plan (informal/optional review)
- (ii) Final Plan Approval

- B. A major development shall be defined as any development which does not satisfy the criteria for a minor development. All land developments shall be reviewed and approved as a major development. The subdivision of more than six (6) lots from a tract or parcel as it existed on the adoption date of this ordinance shall also be defined as a major development.

Documents Required for Approval:

- (i) Sketch Plan (informal/optional review)
- (ii) Preliminary Plan Approval
- (iii) Final Plan Approval

- C. Preliminary plan approval and final plan approval may, at the discretion of the Township, be

granted concurrently provided that public or private improvements are not warranted as provided for in this Ordinance.

- D. The submission of Plans and approvals for land development associated with oil and gas well drilling operations shall be governed by those procedures established in Salem Township Ordinance No. 02-2005, as may be amended from time to time. The provisions of such Ordinance are incorporated herein by reference thereto.
- E. Where not otherwise addressed in this Ordinance, the construction of homes, roads and other improvements to private property not requiring a subdivision of property, shall continue to be governed by the Salem Township Road Ordinance, the Salem Township Uniform Construction Code and its related Ordinances and Resolutions and the Salem Township Storm Water Management and Erosion and Sedimentation Control Ordinance as same may be amended from time to time, the provisions of such Ordinances being incorporated herein by reference thereto. In the event a conflict exists between the application of this Ordinance and any other Ordinance referenced herein, the terms of this Ordinance shall be deemed to be controlling.

302. PLAN SUBMISSION:

All preliminary and final plans submitted pursuant to this Ordinance shall conform to the requirements of this Ordinance and shall, in addition, conform to such administrative regulations of the Township as may have been adopted at any time or from time to time and as shall be in effect and applicable to the submission. A plan submission shall be deemed complete upon receipt of an application and the appropriate fee in accordance with the terms of this Ordinance.

303. SKETCH PLAN:

Prior to filing an application with the Township for either preliminary or final plan approval, the applicant may prepare a sketch plan of the proposal and review it with a representative of the Board of Supervisors. This action will provide assistance for preparation of the preliminary or final plan submission for approval and shall not afford the applicant any right as provided for in Section 308 of this Ordinance.

304. PRELIMINARY PLAN REVIEW:

- A. The applicant shall prepare and submit to the Board of Supervisors seven (7) copies of the preliminary plan, including all other information necessary to secure compliance with the provisions of the Ordinance. The preliminary plan shall include the total land to be ultimately developed for review by the Board of Supervisors.
- B. Approval of a preliminary plan shall not constitute approval of a final plan, but rather approval

of the layout submitted on the preliminary plan as a guide for the preparation of the final plan.

305. FINAL PLAN REVIEW:

- A. The applicant shall prepare the original final plan and submit the plan to the Township on mylar, linen or other similar reproducible material, satisfactory to the Township and Recorder of Deeds for the County of Westmoreland, together with at least five (5) copies of the plan including all other information necessary to secure compliance with the provisions of this Ordinance. All records, dates, signatures, entries, statements, etc., shall be placed on the plan in an approved permanent manner.
- B. Upon approval of a final plan, the Chairman of the Board of Supervisors shall sign the final plan and shall affix the official seal in the name of the Township.
- C. Submission of a final plan for approval by the Board of Supervisors when preceded by preliminary plan approval, shall occur not more than five (5) years following the date of approval of the preliminary plan. Failure to submit the final plan within this time frame shall make the approval of the preliminary plan null and void unless an extension of time has been requested in writing by the developer and a written approval granted by the Township.
- D. The final plan shall conform to the approved preliminary plan except for the modifications or changes required by the Board of Supervisors. Where, in the opinion of the Board of Supervisors, there have been significant modifications or changes to the approved preliminary plan, other than those required by the Board of Supervisors, the plan shall be submitted again as a preliminary plan.
- E. The final plan may include all or part of the area of the approved preliminary plan. All lots of the final plan, however, shall be contiguous and lots of the second final plan shall be continuous to the first final plan, etc.

306. SUBMISSION TO OTHER AGENCIES AND PERSONS:

In addition to the Salem Township Planning Commission established and referenced hereafter, the Board of Supervisors may forward on copy of the materials submitted as part of the preliminary and/or final plan to each of the following agencies for their review:

- A. Westmoreland County Soil Conservation District;
- B. The Township Engineer;
- C. The Township Solicitor;
- D. The Pennsylvania Department of Transportation;
- E. The Pennsylvania Department of Environmental Protection and

- F. Other official agencies that may be able to offer comments regarding the plan or would have ordinances or regulations affecting the development.

When comments are received from a reviewing agency or person, the Board of Supervisors may consider such comments in deciding to grant or deny the application.

307. PLAN REQUIREMENTS:

- A. All plans whether preliminary or final shall provide the following general information:
 - 1. Development name of identifying title;
 - 2. A reference to the area of the Township in which the development is located;
 - 3. North point, scale and date;
 - 4. Name of the Developer of the property or his authorized agent and their address;
 - 5. Name of the person who prepared this plan or for whom it is prepared;
 - 6. The Deed Book Volume and Tax Map reference, including previous Plan Book Volume and page number, of the parcel or tract being developed;
 - 7. Appropriate certification of a Professional Engineer, Professional Land Surveyor or Landscape Architect registered in the State of Pennsylvania who has prepared the plan.
 - 8. A statement describing the purpose of the proposed subdivision or land development and what is sought to be accomplished by same.

- B. Scale and Size:
 - 1. The preliminary plan shall be at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch. Maximum preliminary plan size shall be 36" x 48".
 - 2. The final plan shall be at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch and shall have a sheet size of 18" x 24".

- C. Location Map:

Location map shall be a small map (approximate scale of 1" 2000'); it shall be made a part of the preliminary and final plan and be of sufficient clarity to enable on-site inspection of the proposed development. It shall contain the following information:

 - 1. Approximate location and boundaries;
 - 2. Major existing streets and roads adjoining or related to the development;
 - 3. Title ("Location Map"), graphic scale, and north point.

- D. Existing Features:

All plans, whether preliminary or final, shall provide the following information:

1. The exterior tract boundary, with bearings and distances shown, as prepared by a Professional Land Surveyor registered in the State of Pennsylvania. When the plan, whether preliminary or final, covers only part of the tract, a sketch shall be submitted of the prospective layout of improvements for the remainder. Acreage remaining shall also be included on the plan.
2. Existing adjacent land, illustrating the property owner's name, property lines and existing structures, and land use; if the land is subdivided, only the contiguous tier of lots, the plan(s) name and Plan Book Volume and page number need be shown.
3. Topographic contour lines (preliminary plans only) with vertical intervals of two (2) feet if the general slope of the site is less than ten (10) percent, and at vertical intervals of five (5) feet if the general slope is greater than ten (10) percent. The Township may approve a departure from the above contour interval requirements, if in the opinion of the Township such departure will not hinder a proper review of the preliminary plan.
4. All existing watercourses, flood ways, regulatory flood hazard areas and other significant natural features.
5. All existing buildings, sewers, water mains, manholes inlets, culverts, natural gas wells, methane gas wells, petroleum product lines, fire hydrants, water treatment facilities and other significant man-made feature which affect the subdivision or land development plan.
6. All existing streets and roads on and abutting the tract including, name, identification number, right-of-way width and pavement width.
7. All existing property lines and easements, including the width and purpose of existing easement and rights of way.
8. Any restrictions upon the use of the property, where applicable.
9. A statement of whether any improvement indicated on the plan is dedicated for public purposes or whether such improvements are private in nature.

E. Proposed Improvements:

The applicant shall be required to submit the layout, cross sections, profiles, and design of the proposed public improvements in accordance with the requirements of this Ordinance. This provision includes, but is not limited to:

1. Location, width and purpose of proposed easements.
2. Location and width of all proposed streets, alleys, rights-of-way and pavement widths.
3. Typical and scaled cross-sections of all proposed improvements, including, but not limited to streets, curbs, gutters, sidewalks, utilities and all public and community services.
4. Layout of lots, showing dimensions and identifying numbers of each lot. The final plan shall provide surveyed lot dimensions including distance, bearings, and turning points.

The remaining parcel or tract shall be enumerated as the highest numbered lot.

5. Any proposed minimum building set-back line.
 6. Proposed water, sewage, storm water drainage system and erosion and sedimentation control improvements, where required, including profiles and construction details, consistent with the Salem Township Stormwater Management and Erosion and Sedimentation Control Ordinance in effect at the time the plan is submitted.
 7. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes as may be required by this Ordinance.
 8. Where land development is proposed, the location of buildings shall be indicated showing the area of each, minimum distances between setbacks, side yard/back yard proposals, proposed parking areas and number and size of structures shall also be indicated as well as internal street design, and other applicable design criteria according to Article IV of this Ordinance.
 9. A schedule showing the approximate dates when the applicant proposes to make application for final plan approval of various segments of the development where phased development is proposed.
 10. All easements and rights-of-way shall include a description of the nature and extent of such easements and rights-of-way.
- F. A separate list of the names and addresses of the owners of all property abutting the property subject to the subdivision.

308. PRELIMINARY REVIEW AND APPROVAL OF PLANS BY PLANNING COMMISSION:

- A. By enactment of this Ordinance, the Salem Township Board of Supervisors hereby creates and establishes a Commission to review proposed subdivisions under this Ordinance. Such Commission shall be known as the “Salem Township Planning Commission” (hereinafter the “Planning Commission”). The members of the Planning Commission shall be appointed by the Board of Supervisors by Resolution hereafter and shall serve three (3) year terms. The membership of the Planning Commission shall be in odd numbers consisting of not less than three (3) nor more than seven (7) members.
- B. Except for land development activities which do not create a subdivision of the surface of property (i.e. land development associated with general construction activities, mineral extraction, oil, gas and methane gas drilling operations), all plans of subdivision submitted to the Township shall first be reviewed by the Planning Commission.
- C. Not greater than thirty (30) days following receipt of an application for the approval of a plan

submitted pursuant to Section 309 hereafter, the Planning Commission shall review such plan at a duly advertised public meeting to determine whether such plan conforms to the requirements of this Ordinance. The applicant shall be given notice of the date, time and place that such meeting is held by Regular US Mail and shall have the opportunity to appear and make comment to the Planning Commission concerning the application. Notice shall also be given to all owners of property abutting the property subject to the proposed subdivision at those addresses provided in Section 307(F) above, or, if returned at the address provided, at the address maintained in the records of the Tax Collector of the Township of Salem for such owner. If a request for a variance from any term or provision of this Ordinance is being requested, same must be submitted to the Planning Commission for consideration at the time of this meeting.

- D. Within twenty (20) days following the date of the Planning Commission Meeting, the Planning Commission shall prepare and forward a report to the Board of Supervisors and the Applicant detailing any matters in the Plan which do not conform to the requirements of this Ordinance and advise what actions may be taken by the Applicant to correct the Plan. Any requests for an exception from the terms of this Ordinance shall be communicated to the Board of Supervisors in this report. The Planning Commission shall also make a recommendation to the Board of Supervisors whether the Plan, and/or any exception request, should be approved, rejected, or approved with modifications. Any other comments or concerns of the Planning Commission with the proposed development shall be raised in this report as well.
- E. Within thirty (30) days following receipt of the Planning Commission's report the Board of Supervisors shall take action on the plan, and any exception request, at a public meeting and communicate its decision to the Applicant as set forth hereafter. At any time between the Planning Commission meeting referenced above and the date of the Supervisor's meeting, the Applicant may make any corrections to the proposed plan to bring same in compliance with the terms of the Ordinance and submit the corrected Plan to the Supervisors for consideration prior to the time of such meeting.

309. APPROVAL OF PLANS:

- A. All applications for approval of plans, whether preliminary or final, shall be acted upon by the Township and the decision conveyed to the applicant not later than ninety (90) days following the date the application is finally submitted to the Township for approval. The submission of a sketch plan shall not be deemed to begin the ninety (90) day period prescribed in this paragraph.

- B. The decision of the Township shall be in writing and shall be communicated to the applicant by regular United States Mail to the applicant at their last known address not later than fifteen (15) days following the decision.
- C. When an application is not approved in terms as filed, the decision of the Township shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
- D. Failure of the Township to render a decision and communicate it to the applicant within the time period and manner required herein shall be deemed an approval of the application in the 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.
- E. Changes in this Ordinance or other governing and related Ordinances of the Township which impact upon the proposed subdivision or development shall affect plans as follows:
 - 1. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of any subdivision, or other governing or related Ordinance or plan, shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing Ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant may be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing Ordinances and/or regulations.
 - 2. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment of any subdivision, or other governing or related 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 five years from such approval.
 - 3. Where final approval is preceded by preliminary approval, the aforesaid five year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
 - 4. Where the landowner, developer or applicant has substantially completed the required improvements as depicted upon the final plan within the aforesaid five year limit, or any extension thereof that be granted by the Township in writing, no change of municipal Ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to density, lot size,

building, street or utility location.

5. In the case of a preliminary plan calling for the installation of any improvement beyond the five year period, a schedule shall be filed by the landowner, developer or applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval by the Township in its discretion.
 6. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Township at its discretion. The Township shall not approve a lesser percentage unless the landowner, developer or applicant is not in default of or violated any of the conditions of the preliminary plan approval, including compliance with the aforesaid schedule of submission of final plans for the various sections. The aforesaid protections afforded by substantially completing the improvements depicted upon the preliminary plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five year period. The aforesaid protections shall then apply for an additional term or terms of three years from the date of preliminary or final plan approval for each section.
 7. Failure of landowner, developer or applicant to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any section to any and all changes in any subdivision and/or other governing Ordinance enacted subsequent to the date of the initial preliminary plan submission.
- F. No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless a highway occupancy permit has been issued pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."

309. RECORDING OF PLAN:

- A. Upon the approval of a final plan, the applicant shall, within ninety (90) days of such final approval, record such plan in the office of the Recorder of Deeds of Westmoreland County. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.
- B. The recording of the final plan, following approval by the Township, shall not, in and of itself, have the effect of an irrevocable offer to dedicate all improvements, streets, public ways and areas to public use, unless otherwise noted on the final plan. Any offer of dedication to public use shall not impose any obligation upon the Township to take over or maintain any improvement until the Board of Supervisors

have made actual acceptance of such improvements either by Ordinance or by Resolution adopted at a duly advertised public meeting.

- C. No plan shall be offered for recording unless such plan has been granted final plan approval by the Board of Supervisors of Salem Township and any other governmental agency having jurisdiction over same.

ARTICLE IV-DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

401. APPLICATION:

- A. The land subdivision principles, standards, and requirements set forth below shall be followed by the Board of Supervisors of the Township in evaluating plans for proposed subdivisions.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, and general welfare.
- C. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of the property while securing substantial conformance with the objectives of this Ordinance, such modification or adjustment being made in accordance with the terms of this Ordinance.
- D. Whenever other County or State regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

402. LAND USE REQUIREMENTS:

- A. Hazards: Land subject to hazards of life or health shall not be subdivided for residential purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

PREFACE TO SECTIONS 403, 404, 406, 407, 408, AND 409

All specifications listed in Sections 403, 404, 406, 407, 408, and 409 are subject to the provisions and the specifications and standards of the Pennsylvania Department of Transportation, and where the Department of Transportation specifications are more stringent than those herein listed, the specifications and regulations of said Pennsylvania Department of Transportation shall apply.

403. STREET WIDTHS AND CURBS:

A. Street Widths: Minimum street widths for proposed streets and extensions of continuations of existing streets are as follows:

<u>Street Type</u>	<u>Assumed Traffic Requirements</u>	<u>Right of Way Width</u>	<u>Cartway Width Minimum</u>
Residential Service St.	2 traffic lanes	50'	20'
Marginal Access Street	2 traffic lanes	60'	20'
Rural Service Road	2 traffic lanes	60'	22'
Feeder Road	2 traffic lanes	60'	22'
Private Road in Major Subdivision	2 traffic lanes	50'	12'
Private Road in Minor Subdivision	2 traffic lanes	50'	None

Access roads for Land Development not Involving Subdivisions

See Special Regulations for Access Roads hereafter

- B. Additional Width: Additional Right of Way and Cartway widths may be required by the Board of Supervisors for the following purposes:
1. To promote public safety and convenience; and/or
 2. To provide parking space in commercial districts and in areas of high-density residential development.
- C. Extension of Non-conforming Street: Short extensions, 200 feet or less, of existing streets with lesser right of way and/or cartway widths than prescribed by Section 503 (a) above may be permitted, provided, however, that no section of the new right of way is less than the right of way width prescribed by Section 503 (a).
- D. Width Addition to Non-conforming Street: Where a subdivision contains an existing street of inadequate right of way width, additional right of way width in conformance with the above standard is required.
- E. Curbs: Curbs shall be installed along both sides of all streets. The Township Supervisors shall have the option of waiving curbs in areas where the lot frontage exceeds two hundred (200) feet. Curbs shall be of the vertical type or the rolled curb and gutter type. The transition from one type of curb to another shall be made only at a street intersection, and adequate provisions shall be made for driveway entrances.

Curbs and gutters, if any, are to be constructed on the street right of way. Concrete curbs may be required by the Township Supervisors in order to prevent water runoff.

404. STREET SYSTEM:

- A. Township Plans: Proposed streets shall be properly related to such street plans, or parts thereof, as have been officially prepared and adopted by the Township.
- B. Other Plans: Proposed streets shall further conform to such Township, County, and State road and highway plans as have been prepared, adopted, and/or filed as prescribed by law.
- C. Topography: Streets shall be logically related to the topography as specified in Section 408.
- D. Residential Service Streets: Residential service streets shall be laid out so as to discourage through traffic, but provision for street connections into and from adjacent streets may be required, to accommodate access by emergency vehicles. Such street systems shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.
- E. Re-subdivision: If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate street right of way to permit further subdivision shall be provided as necessary.
- F. Marginal Access Streets: Where a subdivision abuts or contains an existing or proposed feeder road, connector or arterial highway, the Supervisors may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.
- G. Existing Half or Partial Street: Wherever a tract to be subdivided has on its border a street with insufficient right of way width, sufficient room shall be plotted within the tract to bring the street into conformance with Section 503 (a) of this Ordinance.
- H. Dead-End Streets: Dead-end streets shall be prohibited, except as hubs to permit future street extension into adjoining tracts, or where designed as a cul-de-sac.
- I. Street Construction: All streets shall be provided with a smooth, hard and dust-free surface, shall be properly crested and banked, shall be durable and well drained under normal weather conditions. The surface shall be asphalt or concrete material and shall meet minimum standards contained in the Township road construction ordinance in effect at the time the subdivision application is approved. Street surfaces consisting of red-dog, oil, or a like substance are prohibited.
- J. Township Acceptance of Streets: As conditions preceding the formal acceptance for maintenance of any street by the Board of Supervisors, the developer shall have either:

1. Completed the street to the satisfaction of the Township engineer not less than two (2) years previous to the request for acceptance; or
2. Completed construction of not less than 2/3 of all the lots abutting the street.

In either case, the developer shall enter into a maintenance agreement with the Township, subject to a bond or escrow account in favor of the Township in an amount equaling 50% of the construction performance bond, guaranteeing the structural integrity of the street and other improvements to become public, for a period of eighteen (18) months.

405. PRIVATE ROADS:

The Board of Supervisors may approve a plan containing private roads, or the extension of an existing private road subject to the following conditions:

- A. Plan Notation: The developer shall state on the final plan to be recorded which roads specifically are to be private and that the Township has no interest or obligation in their maintenance.
- B. Maintenance: Perpetual maintenance of a private road shall be the responsibility of an association made up of all the owners of properties abutting the road. They shall share equally in the costs and may contract for maintenance services. The association shall be established by the developer and its by-laws approved by the Township Solicitor as meeting applicable State statutes.
- C. Deed Notation: The deed for each lot and the recorded plan shall state that the road is private and not subject to Township maintenance.
- D. Utilities: Utility easements within a private road shall be clearly marked on the plan and identified as to width and use.
- E. Marking: A private road shall be permanently marked as private at its intersection with a public road.
- F. Width of Right of Way: Private roads shall be contained in a right of way not less than 50 feet wide.
- G. Set Backs: A building on a lot abutting a private road shall be set back from the right of way line not less than 30 feet.
- H. Guarantees: The right of passage over a private road for maintenance of utilities or for access of emergency vehicles shall be guaranteed in writing, with copies provided to the Township, affected utilities and emergency services providers. In such case, the plan of subdivision submitted for approval shall contain written grants of easements for the construction, maintenance, existence, and repair of utilities along the line of such private road. The location of any utility, including water and sewerage lines shall likewise be approved by any utility company or municipal authority responsible for same, such approval to be acknowledged, by the utility provider on the plan of subdivision.

- I. Dedication: If at a future time, the lot owners petition the Township to adopt the road as a public road, the owners, at their expense, shall widen, reconstruct or otherwise improve the road to satisfy the Township road specifications current at the time, and shall have completed the work to the Supervisors' satisfaction prior to adoption.
- J. Width of Surface: The width of any private road shall be sufficient to provide access to and passage for emergency vehicles, the exact width necessary to be determined by the Board of Supervisors.
- K. Surface Composition: Any private road in a minor subdivision must have a "mud free surface" and be of at least such style or composition to allow passage for emergency vehicles. The composition of a private road in a major subdivision shall be constructed in conformance with the requirements of Township Ordinance No. 101 (relating to the construction of public roads) as amended, or any successor Ordinance.
- L. Other Setbacks. All other construction set-backs and cul-de-sac requirements imposed by this Ordinance upon public roads, and plans of subdivision containing public roads, shall likewise apply to private roads and plans of subdivision containing same.

406. CUL-DE-SAC STREETS:

- A. Length: No more than twenty (20) lots shall have their principal access to a cul-de-sac street and the total length between the center line of the intersecting road and the center of the turnaround shall not exceed 1,800 feet. Shorter cul-de-sac streets and loop streets with each end connecting to the same road may be required.
- B. Turnaround: The closed end of the cul-de-sac street shall be contained in a right of way whose radius is 50 feet. The paved turnaround shall have a radius of not less than forty (40) feet. Temporary turnarounds equipped with an all weather surface may be approved by the Supervisors within a plan in the process of development provided the developer assures the Supervisors the road will be extended to a permanent turnaround within three (3) years of construction.
- C. Extension: When the Board of Supervisors determines that the extension of a cul-de-sac street into adjacent undeveloped land is desirable, it shall recommend to the Supervisors that the street right of way be extended from the cul-de-sac to the plan boundary line and such extension shall be shown on the final plan.

407. COORDINATION OF STREET SYSTEMS:

- A. New streets which are aligned with existing streets shall bear the name of the existing street. New streets which are not continuations of existing streets shall not bear the same street name of an existing street in the same municipality or postal service area.

- B. Proposed streets shall be extended to the boundary line of the tract being subdivided as to provide for normal circulation of traffic within the vicinity as an adjacent land is developed.

408. STREET ALIGNMENT:

- A. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- B. To insure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:
 - 1. Residential service streets and rural service roads: one hundred twenty-five (125) feet.
 - 2. Feeder roads and connector highways: two hundred (200) feet.
 - 3. Arterial highways: five hundred (500) feet.

409. STREET SLOPES:

- A. Center line slopes should be not less than one percent (1%).
- B. Center line slopes shall not exceed the following:
 - 1. Residential service streets and rural service roads: twelve percent (12%).
 - 2. Feeder roads, connector, and arterial highways: six percent (6%).
- C. Vertical curves shall be used at a change of slope exceeding one percent (1%) and shall be designed in relation to the extent of the slope change and to provide the following minimum sight distances:
 - 1. Residential service streets and rural service roads: one hundred fifty (150) feet.
 - 2. Feeder roads and connector highways: two hundred (200) feet.
 - 3. Arterial highways: five hundred (500) feet.

410. STREET INTERSECTIONS:

- A. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
- B. Multiple intersections involving junction of more than two streets are prohibited.
- C. Clear sight triangles measured along street center lines from their point of junction shall be provided at intersections as follows:
 - a. Connector and arterial highways: one hundred fifty (150) feet.

- b. All other roads and streets: seventy-five (75) feet.
- D. To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.
- E. Streets entering opposite sides of another street shall be laid out directly opposite one another or within a minimum offset of one hundred fifty (150) feet between their center lines.
- F. Minimum curb radii at street intersections shall be twenty (20) feet for intersections involving residential service streets, thirty (30) feet for intersections involving other types of roads or highways, or such greater radius as is suitable to the specific intersection.

411. STORM DRAINAGE:

- A Drainage facilities shall be provided to:
 - a. Permit unimpeded flow of natural watercourses and other existing drainage facilities.
 - b. Provide positive drainage away from on-site sanitary sewage disposal system.
- B. Where existing storm sewers are accessible, proposed subdivisions shall be required to connect therewith if feasible.
- C. Prior written agreements shall be obtained by the sub-divider for any drainage rights of way or storm sewers which are to discharge directly onto other property.
- D. The design of any proposed storm water management control system shall comply with the Salem Township Stormwater Management Ordinance in effect at the time such approval is given. The Township engineer shall review any proposed system against the attached Design Criteria to ensure compliance.

412. BUILDING SET-BACKS AND LINE DISTANCES:

- A. The minimum front building setback line distance on all streets except Routes 22, 66, 119 and 819 shall be thirty (30) feet from the edge of the right of way.
- B. The minimum front building setback line distances for properties abutting Route 22, 66, 119 and 819 shall be forty (40) feet measured from the edge of the right of way.
- C. Any property owner or property possessor who causes new construction to be made for residential purposes or who enlarges the outside dimensions of any residential structure (including porches, patios, garages or attachments) even though said property owner or property possessor is not subdividing or developing, shall comply with the building setback line requirements of this Section 412, except for that construction as hereafter provided relating to non-conforming structures and lots.

- D. The minimum side and rear building setback line distance shall be ten (10) feet for any residential use and fifteen (15) feet for any commercial use.
- E. Any sewage treatment plant serving more than one dwelling or EDU (400 gpd) shall have a setback of not less than two hundred feet (200') from any property line and two hundred fifty feet (250') from any dwelling on any adjoining or abutting property.
- F. Set back requirements for construction associated with non-conforming structures and non-conforming lots of record shall be in accordance with the provisions set forth in Section 419 and Section 601.2 hereafter.

413. BLOCKS:

- A. The length, width, and shape of blocks shall be determined with due regard to:
 - 1. Provision of adequate sites for buildings of the type proposed.
 - 2. Topography.
 - 3. Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall have a maximum length of 1,600 feet and, so far as practicable, a minimum length of 800 feet; along arterial highways, blocks shall be not less than 1,000 feet long.
- C. Residential blocks should be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots in accordance with Section 504(f) are used.

414. LOTS AND LOT SIZES:

- A. Purpose and Policy: Lot and Lot Sizes for Residential Use. In order to safeguard the public health, safety and welfare of the residents of this Township, it is declared to be the policy of this Township that: (1) Lots have sufficient area to insure satisfactory sanitary sewage disposal; and (2) The determination of lot sizes and lot density takes into consideration the proven groundwater resources which would be available for utilization by such lots. Accordingly, for all residential uses within the Township:
 - i. Lots served by an on-site sanitary sewage disposal system and an on-site water distribution system must contain a minimum of one and one-half (1 ½) acres and a minimum frontage of two hundred (200) feet and must contain sufficient area approved for a disposal field and, where appropriate, an alternate disposal field replacement.
 - ii. Lots served by an on-site sanitary sewage disposal system and a subdivision water distribution system must contain a minimum of one and one-half (1 ½) acre and a minimum

frontage of one hundred and fifty (150) feet and must contain sufficient area approved for a disposal field, and where appropriate, an alternate disposal field replacement.

- iii. Lots served by an on-site sanitary sewerage disposal system and a public water distribution system shall contain a minimum of one and one-fourth (1 ¼) acre and a minimum frontage of 150 feet and must contain sufficient area approval for a disposal field and, where appropriate, an alternate disposal field replacement.
- iv. Lots served by subdivision sanitary sewage disposal systems and an on-site water distribution system must contain a minimum of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.
- v. Lots served by a subdivision sanitary sewage disposal system and a subdivision water distribution system must contain a minimum of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.
- vi. Lots served by subdivision sanitary sewage disposal systems and a public water distribution system must contain a minimum area of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.
- vii. Lots served by a public sanitary sewerage disposal system and an on-site water distribution system shall have a minimum of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.
- viii. Lots served by a public sanitary sewerage disposal system and a subdivision water distribution system shall have a minimum of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.
- ix. Lots served by a public sanitary sewerage disposal system and a public water distribution system shall have a minimum of one (1) acre and a minimum frontage of one hundred twenty-five (125) feet.

- B. Exceptions may be granted to the minimum frontage requirements specified above for cul de sacs and other unique topographical and design situations on a case-by-case basis.

414.1. MISCELLANEOUS REQUIREMENTS:

- A. Lots subject to residential use shall front on existing or proposed streets.
- B. Lot lines shall follow municipal boundaries wherever applicable in order to avoid jurisdictional problems
- C. All on-site sanitary sewerage disposal systems and on-site water distribution systems must be situate on the lot they service and may not be extended to service any other residential or commercial use or lot within the subdivision, unless such sanitary sewerage disposal system complies with all other ordinances within the Township regulating same.

- D For purposes of determining lot area for conformance with this section, the area within twenty-five (25) feet of the center line of any public street abutting or traversing the lot shall be excluded.
- E Lot and lot sizes for all commercial or other non-residential development shall be governed by the provisions of Article VI hereafter.
- F Each plan of subdivision must specifically locate and designate primary and alternate sanitary sewerage disposal sites.

415. CLUSTER OPTION:

- A. To encourage innovations in development and renewal so that the growing demand for housing may be met by (1) greater variety in type, design, and layout of dwellings; and (2) the conservation and more efficient use of open space adjacent to said dwellings; and furthermore, to encourage a more efficient use of land and public services and to encourage utilization of new technologies in land development so that economies thus obtained may benefit those who purchase such homes; and finally, to provide a procedure which can relate the type, design, and layout of development to the particular site and the particular demand for housing, which exists at the time of development; in a manner consistent with the increased flexibility of regulations over land development, a sub-divider may request, pursuant to the following requirements, that a residential development be approved under the cluster option. The approval of a cluster option plan shall be within the sole discretion of the Board of Supervisors and shall be subject to any conditions imposed by the Supervisors on the grant of such approval. The following criteria shall be used in considering applications for subdivision and development under the cluster option:
 - 1. The area proposed for development under the cluster option must be serviced by a public water distribution system and either a public sanitary sewage disposal system or subdivision sewerage disposal system.
 - 2. The area proposed for development under the cluster option must be greater than ten (10) acres.
 - 3. The use of the land in the site is enhanced by use of the cluster option in such a way as to provide greater recognition of the natural environment and its limitations than would be likely under a conventional subdivision plan.
 - 4. The sub-divider has demonstrated efforts to reduce the servicing costs in the proposed plan by lessening the number of roads and utility lines, including sewer and water lines, in a manner consistent with good site design principles.

5. The land offered for common usable open space is, in fact, usable for active or passive recreation purposes, and is so placed within the subdivision to provide maximum possible accessibility to each dwelling unit. Normally, land around the perimeter of a site which merely backs against each lot will not be considered usable open space.
6. A minimum of ten (10) acres or twenty percent (20%), whichever is less, of the total site area must be provided as common open space. A minimum of eighty-five (85%) percent of the site area which has been released through the reduction in lot sizes must be provided as common open space.
7. In no event will a subdivision be permitted to contain more lots through the cluster option than would have been possible through conventional subdivision. The final result must not increase the gross density of the site.
8. Even though the overall lot sizes may be reduced below the minimum requirements as set forth in Section 414(a) of this Ordinance, the minimum frontage requirement shall nevertheless be maintained for all lots in the plan.

416. MULTI-FAMILY DWELLING UNITS:

- A. There shall not be more than eight (8) dwelling units in a single building. Multi-family dwelling units shall not be taller than three stories in height above ground. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Multi-family dwelling units will be permitted only where a public water distribution system and public sanitary sewage disposal system are available. These requirements may be waived by the Board of Supervisors if an acceptable subdivision sanitary sewage disposal system is approved for multi-family dwelling units.
- B. The total area required in a subdivision containing multi-family dwelling units shall be equal to one (1) acre for each building containing multi-family dwelling units plus one tenth (0.1) acre for each dwelling unit in such building. The required land area shall be increased to one acre plus two tenths (0.2) acre per dwelling unit when subdivision sanitary sewage disposal systems are permitted by the Board of Supervisors.
- C. All design standards and required improvements imposed by this Ordinance, shall apply to subdivisions containing multi-family dwelling units.

417. NON-PUBLIC AREAS: FACILITIES AND IMPROVEMENTS:

- A. Before the Board of Supervisors may grant preliminary or final approval for a subdivision, suitable arrangements shall be made for fixing financial responsibility for continued ownership, maintenance, and where applicable, tax liability for all land areas, facilities, and improvements which will not be dedicated to or accepted by the Township. Such arrangements

shall be reviewed by the Supervisors, which shall send them to the Township Solicitor for recommendation. The Solicitor's recommendations, including any specific revisions, shall be sent directly to the Supervisors for final decision.

B Homeowner's Associations: Where a Homeowner's Association ("Association") will be created, such Association shall conform to the requirements of this Section. Any covenants, by-laws, etc., which are intended to meet the requirements of this Ordinance for an Association shall be prepared by an attorney for the sub divider, and shall comply with the following:

1. Covenants, restrictions and/or by-laws of an Association shall be recorded in the office of the Recorder of Deeds of Westmoreland County. Any Association created under this Ordinance shall also be incorporated under the laws of Pennsylvania. All final plans relating to the affected land development shall note the existence of the Association, the volume, page, or other detail specifying the recording of covenants, etc., governing the Association and the incorporation of the Association.
2. The Board of Supervisors may require proposed covenants, by-laws, etc., and/or such additional provisions as it feels are necessary to assure property functioning of the Association. Sub-dividers may include additional provisions, beyond those required by Subsection (3) below, subject to the approval of the Board of Supervisors.
3. At a minimum, covenants, by-laws or other documents governing the operation of an Association shall contain the provisions listed below:
 - a. A description of the existing property to be subdivided and developed;
 - b. Reference to the recorded plan describing the subdivision;
 - c. Provisions describing who is to be a member of the Association and what the rights of members are;
 - d. A description of the areas, facilities, and other properties to be held in common by the Association;
 - e. Provisions limiting all future use of certain common properties to their intended purpose, e.g. park areas to be limited to recreation, etc.;
 - f. Procedures describing the election of officers of the Association at regular intervals, and describing the duties, powers, and responsibilities of those officers, including the right to exercise all power vested in the Association
 - g. Provisions for amending the covenants, by-laws, etc., except that no amendments should be permitted for at least two (2) years after the recording of the covenants;
 - h. Provisions requiring regular meetings of the Association;

- i. Provisions for determining a quorum;
- j. Provisions stating how assessments may be levied, and changed, what properties are subject to assessment, describing the purpose and use of such assessment; and setting forth provisions for the establishment of a contingency fund to cover unexpected expenses and how such fund shall be made;
 - a. Provisions stating when assessments shall fall due and to whom they shall be paid
 - b. Provisions allowing officers to withhold the rights and privileges of membership from members who fail to pay assessments
 - c. Provisions for the collection of unpaid assessments, including the placing of a lien against the property, together with any costs incurred by the Association in such collection and with an appropriate interest charge
 - d. Provisions for record keeping, communications with members, the providing of adequate meeting notice, and requiring the preparation and maintenance of financial reports
 - e. Provisions allowing the Township to do, at its discretion, any maintenance as may be needed to the common properties to assure health and safety within the subdivision should the Association fail to perform such maintenance; these provisions shall also allow the Township to assess members of the Association for the cost of the work performed and shall state that the Township, in performing this maintenance, is not accepting the common properties as public property
 - f. Provisions allowing the Association to establish rules and regulations for the cooperative and harmonious use of common properties by members, to be in effect when published or posted;
 - g. Provisions allowing the Association to suspend the rights of any member for a reasonable period for infractions of rules and regulations;
 - h. Provisions allowing the Association to charge reasonable admission and other fees for the use of common properties;
 - i. Provisions granting the Association the right to dedicate or transfer all or any part of the common properties to any public agency, authority or utility providing such agency, authority, or utility is willing to receive such common properties;
 - j. Provisions allowing the Association to borrow money to improve the common properties, and to mortgage those properties for this purpose;

- k. Provisions allowing the Association to take such steps as may be necessary to protect mortgaged properties from foreclosure; and
- l. Provisions limiting a lenders' rights, in event of default upon a mortgage, to the charging of admission for the use and opening of facilities to public use until the mortgage due is satisfied, whereupon the common properties would be returned to the Association and all rights of members restored.

418. ACCESS ROADS, UTILITY LINES AND LAND DEVELOPMENT NOT INVOLVING SUBDIVISIONS:

A. Private access roads, transmission lines, water treatment facilities and other matters involving surface or land development associated with oil and gas well drilling operations shall be conducted pursuant to the terms of this Ordinance and Appendix "B" attached hereto. The terms, conditions and provisions of such Appendix "B" are incorporated herein by reference thereto, adopted and made a part of this Ordinance as if such terms, conditions and provisions were set forth at length herein.

B. Private access roads for all other land development not involving subdivisions of property as hereinafter defined in this Ordinance shall be laid out, installed and maintained in accordance with this Ordinance and Appendix "B" attached hereto. The terms, conditions and provisions of such Appendix "B" are incorporated herein by reference thereto, adopted and made a part of this Ordinance as if such terms, conditions and provisions were set forth at length herein.

C. Upon becoming effective, the terms and provisions of this Section are intended to supercede and replace the terms and provisions of Salem Township Ordinance No. 02-2005. To the extent the terms of this Ordinance are in conflict with the terms and provisions of Ordinance No. 02-2005, the terms of that Ordinance are hereby repealed.

419. CONSTRUCTION ON NON-CONFORMING LOTS AND STRUCTURES:

A. Construction Into Required Yards: a non-conforming principle dwelling on any non-conforming lot of record may be enlarged or extended within the required front yard either (1) along the line of the existing structure; or (2) along the front line of another non-conforming structure on an adjoining lot within one-hundred (100) feet, whichever is **greater**. The extension or enlargement of a non-conforming principle dwelling on a non-conforming lot of record shall comply with the all side and rear yard setbacks unless an exception is granted by the Board of Supervisors.

B. Accessory Structures: an accessory structure containing less than one-thousand (1000) square feet may be constructed upon any non-conforming lot of record within five (5) feet of any side or rear lot line. An accessory structure containing less than one-thousand (1000) square feet may be constructed upon any non-conforming lot of record within two (2) feet of any side or rear lot line with the written agreement of all adjoining property owners.

C. Reconstruction: any existing non-conforming structure which becomes dilapidated or destroyed by fire or other catastrophe, regardless of whether it is located on a conforming or non-conforming lot, may be re-built within one (1) year of its demolition or destruction within the foot-print of the prior non-conforming structure.

D. Permits: no permit shall be required under this Ordinance for construction occurring pursuant to this Section. Any other permits associated with such construction under the Uniform Construction Code or otherwise, are still required.

ARTICLE V - FORMAT AND PROCEDURE FOR MINOR SUBDIVISIONS

501. MINOR SUBDIVISION – DEFINED:

A Minor Subdivision shall be the subdivision of a single lot, tract, or parcel of land into no more than six (6) lots, tracts, or parcels of land, for immediate or future transfer of ownership which does not cause or require the extension or installation of any new public street, community or public water system, public sewer system or any other public improvements required under this Ordinance. A subdivision containing multiple-family dwellings shall not be considered a minor subdivision. A subdivision containing a commercial use, or a combination of commercial and residential uses shall, not be considered a minor subdivision.

502. APPLICATION PROCEDURES FOR MINOR SUBDIVISIONS:

- A. In the event a proposed subdivision is a minor subdivision as defined in this Ordinance, then the sub-divider may submit a subdivision sketch plan with the Board of Supervisors to begin the subdivision application process.
- B. Data furnished in a subdivision sketch plan shall be at the discretion of the sub-divider; however, each subdivision sketch plan must contain at least the following information:
 - 1. tract boundaries;
 - 2. municipalities in which the minor subdivision is located;
 - 3. the North point;
 - 4. existing streets on and adjacent to the tract, including easements, rights of way, restrictive covenants or other restrictions on the property;
 - 5. significant topographical and physical features;
 - 6. proposed general lot layout;

7. the nature and location of all water distribution and sewage disposal systems existing on the property;
 8. the nature and location of any existing or proposed structures or improvements.
- C. A subdivision sketch plan need not be to exact scale nor are precise dimensions required.
 - D. Any subdivision of property which calls for or may involve the immediate or future modification, extension or construction of any public street, structure, improvement, water distribution system or sanitary sewerage disposal system shall not be considered as a minor subdivision under this section.
 - E. Sketch plans will be considered as submitted for formal discussion between the sub-divider and the Board of Supervisors at a public meeting. Submission of a subdivision sketch plan shall not constitute the filing of a final plan with the Board of Supervisors.
 - F. Following such public meeting, the Board of Supervisors shall notify the sub-divider, in writing within 30 days of the date of such meeting, of the extent to which the proposed subdivision does not conform to the design standards and required improvements of this Ordinance and will advise what possible plan modifications are required to secure conformance.
 - G. Within 30 days of the date of the notice prescribed in paragraph 502 F above, the sub-divider shall prepare a final plan for such subdivision and file the original and seven (7) copies with the Board of Supervisors. The failure of the sub-divider to file the aforesaid original plan with the Board of Supervisors within the required thirty (30) day period shall constitute a deemed denial of such plan.
 - H. The original and seven (7) copies of the final plan shall be on clear and legible white linen, mylar, or other reproducible drawing, shall be at a scale of not more than 100 feet to the inch, and shall include the following information:
 1. Subdivision name or identifying title.
 2. Municipalities in which the subdivision is located.
 3. North point, scale, and date.
 4. Name and address of the owner of the property, his authorized agent of the sub-divider.
 5. Six labeled circles 2 1/2 inches in diameter with centers not more than two (2) inches from the edge of

the paper, for locating the seals of:

- (a) the engineer or surveyor;
- (b) the Salem Township Planning Commission;
- (c) the Westmoreland County Planning Department;
- (d) The Salem Township Board of Supervisors;
- (e) the Recorder of Deeds; and
- (f) Notary Public.

- 6. Tract boundaries with bearings and distances.
- 7. Street lines, lot lines, rights of way, easements, and areas dedicated to private and public use, and the purpose for which the rights of way or easements have been established.
- 8. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line in the subdivision.
- 9. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
- 10. All dimensions, angles or bearings of the lines of each lot and land, if any, proposed to be dedicated to private or public use.
- 11. The building set back line for each street and/or the placement of each building.
- 12. Location and width of all private driveways.
- 13. All dimensions shall be shown in feet and hundredths of a foot.
- 14. Lots within the subdivision shall be numbered sequentially.
- 15. Names of streets within and adjacent to the subdivision shall be shown including right of way width and cart-way.

structure. Nothing in the approval of this subdivision shall be deemed or construed as an acceptance of any street, road or other facility or improvement for public purposes and the Township of Salem, Westmoreland County, Pennsylvania has no construction and/or maintenance responsibilities over same

Witness my hand and seal this _____ day of _____, 20__ before me, a Notary Public in and for said state and county personally came _____ known to me to be the person whose name(s) is/are subscribed to the within instrument. In witness whereof I have hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

=====

Westmoreland County Planning Certification:

This subdivision was reviewed and approved by the Westmoreland County Planning Department this _____ day of _____, 20__.

Attest: _____
Director, Westmoreland County Planning Dept

Recorder's Certification:

Commonwealth of Pennsylvania)
County of Westmoreland) SS:

Recorded in the Office for the Recording of Deeds, Plans, etc., in said County in Plan Book, Volume _____, Page _____ . Given under my hand and seal this _____ day of _____, 20__.

Attest: _____
Recorder

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- H. The Board of Supervisors shall review the final plan together with any other materials required for final approval, at its next regularly scheduled meeting following the submission of the final plan, or 45 days from the date of the notice set forth in this Ordinance, whichever occurs first. The Board of Supervisors shall either accept such final plan in its entirety or reject same at such meeting. The decision of the Supervisors shall be communicated to the applicant in writing within fifteen (15) days of the date of such meeting and, in the event of a denial, shall include the specific reasons for denial along with references to those provisions of this Ordinance on which such denial is based. No conditional or preliminary approvals may be given by the Board of Supervisors on a request for a minor subdivision under this Article.
- I. The sub-divider or developer shall be required to post at intervals, not to exceed 100 feet along all public thoroughfares notice that a subdivision or development plan is being proposed where one or more of the following exists:

1. The sewage disposal needs of the subdivision or development will be accommodated by the construction of a subdivision, on-lot or other multi-family sanitary sewage disposal system approved by the Township Sewage Enforcement Officer and/or the Commonwealth of Pennsylvania Department of Environmental Protection and/or its successor agency, as the case may be;
2. Subdivisions with six (6) or more proposed lots;
3. Where a grading permit is required.

Posting shall be done by the developer or sub-divider using a format approved by the Township.

503. ADDITIONAL REQUIREMENTS FOR MINOR SUBDIVISIONS:

- A. In addition to the requirements set forth in Section 502 above, any application for a Minor Subdivision shall comply with the following requirements:
 1. There shall be no dedication of any roadway or access way, or any sanitary sewage disposal system, to the Township for public purposes;
 2. In addition to the information and language required by paragraph 502 above, the Plan of Subdivision shall contain the following notation on the recorded Plan and on each deed conveying a title interest in any subdivided parcel thereafter:

“All roads, access ways and any sanitary sewage or storm water disposal system servicing the parcels in this Plan of Subdivision are private and are not dedicated to the Township for public purposes. The maintenance and repair of such roads, access ways, sanitary sewage or storm water disposal systems shall be and remain the sole and exclusive responsibility of the owners of any and all lots in such subdivision. Nothing in the Township’s approval of the Plan of Subdivision from which any of the within lots are conveyed, shall be deemed or construed as an approval or acceptance of any road, access way, sanitary sewage or storm water disposal system referenced on such Plan. No dedication of any road, access way, sanitary sewage or storm water disposal system for public purposes shall be made unless and until same are constructed in accordance with the requirements of the Township for public facilities in effect at the time the dedication is made. Any subsequent dedication of a private road, access way, sanitary sewage or storm water disposal system for public purposes may only be accepted by the Board of Supervisors by Resolution and be subject to any conditions imposed by the Board of Supervisors at that time. Nothing in this paragraph shall be deemed or construed to require the Township to accept the dedication of any private road, access way, sanitary sewage or storm water disposal system for public purposes regardless of the manner in which it is constructed.”

3. Each lot conveyed from such subdivision shall contain an easement for ingress and egress over and across any private road and/or access way for the benefit of such lot and for access by emergency service vehicles.

ARTICLE VI - SUPPLEMENTAL REGULATIONS FOR LAND DEVELOPMENT

601. NON-RESIDENTIAL DEVELOPMENTS:

- A. This Section contains requirements for the orderly development of land for purposes other than residential use. These requirements are in addition to the Applicable Requirements in Article IV of this Ordinance.

Requirements for “No-Impact Home Based Businesses” and the expansion of commercial activity on structures within non-conforming lots of record are set forth in Section 601.1 and 601.2 hereafter.

1. Definition: For the purposes of this Section, non-residential development is any development of land for purposes other than single or multiple-family development.
2. Applicability: Developments which combine dwelling and non-dwelling land uses shall be governed by both this Section and those other Sections of this Ordinance which may be applicable.
3. Purpose: The purpose of this Section is (1) to reduce to a minimum the impact of commercial and industrial land usage on surrounding residential land; (2) to protect the health and safety of the residents and workers in the area; (3) to prevent detrimental effects to the use of development of adjacent properties or the general neighborhood; and (4) to promote the health, safety, comfort and welfare of the present and future inhabitants of Salem Township. To accomplish this purpose, this Section contains requirements, which are in addition to those in previous Sections of this Ordinance as well as those that may follow.
4. Conversion to Commercial Use: Except as provided hereafter, no property owner or possessor shall add-on, convert, modify, alter, change or use all or any portion of a residentially used or occupied structure or lot for non-residential or commercial purposes without the approval of the Board of Supervisors; such prohibition shall apply even though the owner or possessor of property is not subdividing off or developing. Any addition, conversion, modification, alteration or change shall be subject to those conditions, limitations and restrictions set forth hereafter.

B. Requirements:

1. The procedures for submittal of Preliminary and Final Plans and related permits and documents shall be the same as defined in previous sections of this Ordinance.
 - a. The developer shall preliminarily present his plans in person to the Board of Supervisors, but final approval of the proposal shall occur in conformance with the provisions of this Ordinance.
 - b. Before final approval is given by the Board of Supervisors for the issuance of a building permit, the developer shall provide for the Board’s review a set of drawings for the proposed building or buildings on which is affixed the approval certificate of the State Department of Labor and Industry.
2. Minimum Lot Size: The minimum Lot size for a non-residential development shall be 2.0 acres, exclusive of any area of the property which is located within the line of, or subject to, an easement for any highway, street or other public or private improvement.
3. Isolation distances and related dimensional requirements:
 - a. No parking or loading area shall be located less than ten (10) feet from any property boundary except road boundaries. The area between the parking or loading area and the property boundary shall be planted with a dense evergreen hedge not less than six (6) feet in

height when installed if the abutting property is in residential use.

- b. No building shall be located less than a distance equal to its height from any property line except that such distance shall be not less than 15 feet from any side or rear lot line and not less than forty (40) feet from the street Right-of-Way line.
 - c. No sign shall be located less than ten (10) feet from the right-of-way of any federal, state, county or township road.
 - d. Any property owner or property possessor who causes new construction to be made for non-residential purposes or who enlarges the outside dimensions of any existing non-residentially used structure (including any attachments thereto or parking or loading areas or sign) even though said property owner or property possessor is not sub-dividing or developing, shall comply with the building isolation distance and related dimensional requirements of this Ordinance.
4. The partial conversion of a portion of a residentially used structure for commercial purposes may be permitted provided, however, that:
 - a. The conversion is restricted to an existing residential dwelling or structure on the property and no new construction occurs;
 - b. The total area of conversion is less than 400 square feet;
 - c. The converted property complies in all respects with the off-street parking requirements for the proposed commercial activity to be conducted upon the property as set forth in this Ordinance.
 5. Any conversion of all or part of a residentially used or occupied structure or property to a commercial use that involves the enlargement of the exterior of any existing structure, the construction of a new building or structure, or which results in a conversion of more than 400 square feet of the property for commercial purposes, shall be subject to all restrictions, limitations and regulation imposed upon commercial development, in general, by the terms and provisions of this Ordinance.
 6. Signs designating the commercial activity conducted on a property shall not exceed one square foot in area for each linear foot of front yard facing the same public road as that to be faced by the proposed sign, up to a maximum of 144 square feet. The design and lighting of each sign shall be included in the Preliminary Plan and must be approved by the Board of Supervisors. Any change of signs must also be approved. The Board of Supervisors may reduce the size of any sign used to depict commercial activity in cases of residential to commercial conversion as provided for above.
 7. Buffer Zones: The Board of Supervisors may require that a buffer zone, screening plantings, or fence be required around part or all of the property boundary in order to lessen the effects of the development on surrounding areas. All storage, service, or unsightly areas within the development shall

be adequately screened from adjacent residential or non-residential development. Provisions for maintenance of the buffer shall be described by the applicant and approved by the Board of Supervisors.

8. Accessways: Vehicular access to and from non-residential developments shall be approved by the Board of Supervisors if the abutting road is a Township road, or by the Pennsylvania Department of Transportation if the abutting road is a State highway.

601.1 NO-IMPACT HOME BASED BUSINESSES:

- A. Any No-Impact Home Based Business as defined in this Ordinance may be operated without a permit under this Ordinance. All other permits necessary for the operation of such business under the Uniform Construction Code, other Local Ordinances or by the Pennsylvania Department of Labor and Industry are still required.
- B. Any residential structure may be enlarged without limit to accommodate a No-Impact Home Based Business, provided that any new construction or additions are located within required front, side and rear yard setbacks.
- C. A No-Impact Home Based Business may be operated on a property regardless of its lot size. Such businesses shall not be subject to any minimum lot size, off street parking or loading requirements required for other commercial activities under this Ordinance.

601.2 EXPANSION OF NON-CONFORMING COMMERCIAL USES:

A. Construction Into Required Yards: a non-conforming commercial structure on any conforming or non-conforming lot of record, lawfully existing on the effective date of this Ordinance, may be enlarged or extended within the required front yard along the line of the existing nonconforming structure. **A non-conforming commercial structure on any conforming or non-conforming lot of record, lawfully existing on the effective date of this Ordinance, may be enlarged or extended within the required rear yard along the line of the existing nonconforming structure.**

Otherwise, the extension or enlargement of a non-conforming commercial structure on any conforming or non-conforming lot of record shall comply with the all side and rear yard setbacks unless an exception is granted by the Board of Supervisors.

B. Reconstruction: any existing non-conforming commercial structure, lawfully existing on the effective date of this Ordinance, which becomes dilapidated or destroyed by fire or other catastrophe, regardless of whether it is located on a conforming or non-conforming lot, may be re-built within one (1) year of its demolition or destruction within the footprint of the prior non-conforming structure.

C. Continuation of Existing Businesses: nothing in this Ordinance shall be deemed or construed to limit or restrict the continuing operation of a lawfully existing commercial use on property within the Township of Salem.

D. Expansion of Non-Conforming Commercial Structures: any lawfully existing Non-Conforming Commercial Structure, lawfully existing on the effective date of this Ordinance, may be enlarged within the Lot upon which it is situate upon approval of the Board of Supervisors of a site plan providing for and depicting off-street parking, loading, ingress and egress consistent with the terms of this Ordinance. In the event a Non-Conforming Commercial Structure is located upon a Non-Conforming Lot of record, the Board of Supervisors may grant an exception to the off-street parking and loading requirements imposed by this Ordinance, provided such exception does not adversely affect the public health, safety and well-being.

602. OFF STREET PARKING-GENERAL REQUIREMENTS:

A. Applicability to Existing, New and Expanded Uses:

1. Any non-residential building, improvement or use of land approved or erected after the effective date of this Ordinance shall include the necessary off-street parking space, subject to all controlling features of this Ordinance, in the number and dimensions hereinafter stipulated or as otherwise approved by the Board of Supervisors for the type use prescribed.
2. Except as provided in Section 601.2 above, whenever any non-residential building, improvement or use of land may be changed to a new use or where any portion of a residentially used structure or property is converted to a commercial use, the provision of off-street parking shall be required for the new use so approved. If any building, improvement or use of land, whether conforming or non-conforming, be repaired, renovated, altered, expanded or redeveloped and should the cost of aforesaid changes exceed fifty (50) percent of its fair market value prior to such repair, renovation, alteration, expansion or redevelopment, the parking space requirements set forth in this Ordinance for the new use shall be provided. No existing parking facility which is part of any building, improvement or use of land, whether on the same lot as the principal use or on a separate lot, shall be reduced in size below the number of spaces required for such principal use, and any all accessory uses, set forth in this Ordinance, except where a written report defining and documenting the feasibility of any such reduction is submitted by a qualified parking consultant and approved by the Board of Supervisors. This section shall not be construed to mean that parking structures at grade, below grade or above grade cannot later be provided in lieu of some or all of the parking spaces originally required under this Ordinance.

B. Submission of Plot Plan. No approval shall be granted for any building, improvement or use of land, including building permits, occupancy permits or any approval in any form until a plot plan showing such off-street parking as is herein required is submitted to and approved by the Board of Supervisors. Such plot plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking spaces, the means of ingress and egress to such parking spaces and interior circulation within the parking area, the extent of any change required in existing site conditions to provide required parking and such other conditions as

may be necessary to permit review and approval of the proposed parking.

C. Any Parking Area as required herein shall be continually maintained in a satisfactory condition so as to be safe and free of any hazard, nuisance or other unsafe condition.

D. No parking space to be provided under the terms of this Ordinance shall be located within the right-of-way of any street, roadway or public alley without the written consent of the entity owning or maintaining such right-of way, or outside prescribed set-back lines as established in this Subdivision Ordinance, except where an exception may be granted for the encroachment of vehicular parking in designated set-back.

E. Computation of Required Spaces:

1. In calculating total parking space requirements, credit may be granted to any use, other than residential uses, if adequate unused parking space meeting all requirements of the Ordinance is available within 100 feet of the use for which credit is assumed, and if it can be properly demonstrated that such parking spaces shall be reasonably available in the future for the use for which credit is assumed.
2. Unless specifically instructed by the Board of Supervisors, the owner, builder, developer or operator of any building, improvement, or use of land may provide more parking spaces than the number required under this Ordinance.
3. All parking spaces shall be accessible, at all times, from a street, alley or driveway intended to serve such off-street parking.
4. The stipulated minimum parking space requirements set forth in this Ordinance may be reduced by the Board of Supervisors based upon the written findings of a qualified parking consultant, that the particular use(s) involved are adequately served by regularly scheduled public transportation which will provide levels of service such that the use of private passenger vehicles will be significantly reduced.
5. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirement of the several occupancies occur at different times (such as mid-day for office uses and evening for residential uses). Modifications in the total number of spaces required by the addition of all uses as specified in this Ordinance may be considered if supported by a parking demand study prepared by a qualified parking consultant and approved by the Board of Supervisors.
6. All partial space requirements shall be rounded to the next highest number of usable parking spaces.

F. Parking Definitions:

1. For the purposes of this Ordinance, a “parking space” shall mean a space at least 9’ in width and 20’ in length, arranged in rows or in a design to insure ingress, egress and turning aisles of not less than 24’ between rows.
2. In all cases, employees shall mean the regular working staff-paid, volunteer or otherwise at maximum

strength and in full time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service. The use or employee, occupant, or similar numbers to determine parking space requirements shall be used only where the use of square footage or other measurement factors are not feasible.

3. “Net Leaseable Area” - shall include that portion of any building, improvements or use of land which is included in rental areas or normally used as a part of the quarters of any owner, tenant, occupant or uses of such premises. Areas commonly excluded in the calculation of Net Leaseable Area may include entry halls, or foyers; elevator shafts; stairways; janitor, electrical, mechanical or maintenance rooms; public rest rooms, etc. Common areas open to the public shall be included in the calculation of parking space requirements.

G. Uses Not Specified. For any use or classification not described below, the parking space requirement shall be as established by the Board of Supervisors.

H. Parking Space Requirements for Particular Uses:

The provisions of this Ordinance shall constitute the minimum parking requirements applicable to any building, improvement or use of land approved after the date of adoption of this Ordinance, in accordance with the provisions of this Ordinance. Nothing in this Ordinance shall be deemed or construed to prevent the Board of Supervisors from imposing additional off-street parking requirements upon any development of use of property where such additional space is necessary to facilitate ingress and egress, accommodate a particular use, prevent congestion on public thoroughfares or otherwise protect the public health, safety and well-being.

Types of Non Residential Uses: Minimum Off-Street Requirements

Religious Institutions, churches, Temples, Chapels, etc.	1 per each 4 Seats, based on total capacity
Amusement Establishments bicycle sales and repair Blueprinting and photocopy establishments, convention halls, motor vehicle sales, physical culture and health salons, second-hand stores, schools, (commercial, trade, etc.) theatres, hotels and motels, banks and banking establishments for drive-in purpose only.	1 per each 400 Square foot of net leaseable area as noted below. For specific functions: For amusement establishments— 1 per each 300 S.F. of net leaseable area; for hotels and motels: 1 per each room plus additional spaces as required for other functions such as a restaurant, etc. For meeting rooms: 1 per each 3 regular attendees. For motion picture theatres—1 per each 3 seats For Drive-In Banks and similar uses, 1 per each 350 S.F. of net leaseable area plus reservoir space as determined by the Board of Supervisors.
Barber shops, beauty shops currency exchanges, drug	1 per each 350 square feet. of net leaseable area.

Stores, dry cleaning, receiving stations, florist shops, gift shops, hardware stores, and necessary uses incidental to such typical uses listed above.

Private clubs, lodges and fraternal organizations, radio and television service and repair shops, laundries (employing not more than two persons), etc., and accessory uses incidental to such typical uses listed above.

1 per each 350 S.F. of net leaseable area.

Bars and Restaurants

1 for every 2 stools at counters plus 1 additional space for each table containing seating for 2 or more persons.

Automobile service stations and garages for Minor repair (excluding body shop, engine repair and painting).

6 spaces for customer vehicles

Funeral Parlors

1 per each 3 chapel or regular seats

Battery and tire stations, material sales, bus terminals, contractor or construction yards, laundries, machinery sales, printing establishments, storage, warehousing and similar establishments, trailer sales, and rental and special uses as may be permitted.

1 per each 400 S.F. of net leaseable building area

For uses that include storage, testing, repairing or similar services—1 per each 700 S.F. plus 1 per each 400 S.F. of office, sales or other space to be used by visitors, customers or salesmen.

For auto laundries (car wash), 1 per each employee plus reservoir space for at least 6 times the bay capacity of the facility, with a minimum of 10.

For other uses, as may be established by The Board of Supervisors.

Art galleries, banks and financial institutions, business machine sales and service, carpet stores, fur shops, garden supply stores, interior decorating shops, liquor shops, medical and dental clinics, offices for business and professional offices up to 50,000 square feet gross floor area per building, paint and wallpaper stores,

1 per each 400 S.F. of net leaseable area or as noted below.

For any medical office or clinic-1 per each 175 s/f of net leaseable area

post offices, sporting goods stores, and accessory uses incidental to such typical uses listed above.

Clinics, medical office buildings 1 per each 175 S.F. of gross floor area

Out-patient clinics, out-patient facilities a part of hospitals medical centers, etc. 1 per each 175 S.F. of gross floor area

Nursing homes, sanitariums, Convalescent homes, institutions for care of aged, children, etc. 0.5 per bed.

Hospital, medical center, other treatment facility 1.75 per bed, plus the number required based on S.F. measurements for office clinic, testing, research, administrative, teaching and similar activities associated with the principal use, at one (1) space per each 175 S.F. of gross floor area except for teaching facilities which shall be 1 per each 4 seats.

Office and/or research buildings or groups of buildings of similar nature which contain no manufacturing, assembly, warehousing, testing, storage or transfer activities or temporary buildings of any kind. 1 per each 350 S.F. of net leaseable area

For other permitted uses parking space shall be provided on the basis of the appropriate category:

* For uses involving public assembly of groups of people for whatever reason. 1 per each 4 seats based on total capacity

* For uses involving institutions functions, medical facilities or similar operations. 1 per each 200 S.F. of net leaseable area

Industrial buildings or groups of industrial buildings of similar nature which contains no heavy manufacturing activity; no storage or use of flammable material; no production of smoke or particulate matter or noxious fumes of any type; no undue noise; no open storage or any materials, components or other items except motor vehicles in operable condition. 1 per each 1,000 S.F. plus 1 per each 350 S/F of office sales or similar space

Other industrial uses except those involving refining, mining, smelting or similar uses; the storage, use or production of hazardous fluids, gases or other products the production of noxious or toxic fumes or odors or whose activities result in noise levels above 74 db A (decibels) at the property line.	1 per each 1,000 S.F. plus 1 per each 350 S/F of office sales or similar space
Any industrial use not otherwise forbidden by forbidden by state and/or local Codes or the Board of Supervisors.	1 per each 1,250 S.F. plus 1 per each 350 S/F of office sales or similar space
Parks, athletic fields, tennis and pool facilities, golf courses, etc.	As determined by the Board of Supervisors
Recreational and community center buildings, recreation clubs, related uses	Spaces equal to 30% of total permitted occupancy or as otherwise determined by the Board of Supervisors.
Enclosed recreational buildings specialized facilities and related uses.	As determined by the Board of Supervisors
Open recreational facilities including Including camps, youth facilities, training facilities, etc.	As determined by the Board of Supervisors
Gymnasiums, stadiums, field houses houses, grandstands, and related facilities	1 per each 4 seats or spectator spaces equal to 30% of total permitted occupancy
Cemeteries	As determined by the Board of Supervisors

603. LOADING – GENERAL REQUIREMENTS:

- C. Applicability to Existing, New and Expanded Uses —The applicability of the loading regulations established by this Section shall be the same as provided with respect to parking regulations in Section 602 A and 602 B of this Ordinance.
- D. Location of the Required Loading Spaces - Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard as hereinbefore provided.
- E. Uses Not Specified - For uses not expressly listed in Subsection H of this Section, loading spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Board of Supervisors pursuant to his authority to interpret the provisions of this Ordinance.

- F. Responsibility—The duty to provide and maintain off-street loading and unloading spaces shall be the joint and several responsibilities of the owner, operator and lessee of the use for which off-street loading and unloading spaces are required.

604. LOADING – DESIGN AND MAINTENANCE:

Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

- A. Minimum Setbacks - Loading spaces shall comply with setbacks required by this Ordinance and no loading space shall be so located as to require or permit any vehicle it is designed to accommodate to extend into any front yard or across any lot line while being loaded or unloaded.
- B. Screening:
1. Sufficient vegetative or natural screening shall be provided along all lot lines abutting any residentially developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
 2. Loading areas accessory to commercial uses shall be located and screened to be visually insulated from public awareness.
- C. Design Standards
1. Dimensions - No required loading space shall be less than 12 feet in width or 35 feet in length or have a vertical clearance of less than 10 feet.
 2. Access - Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. Access to and from loading spaces shall be approved by the Board of Supervisors.
 3. Surface - Every loading space shall be surfaced with an asphalt or Portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings 4 inches to 6 inches in width.
 4. Lighting - Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or street.
 5. Signs - No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.

605. LOADING – SCHEDULE OF REQUIRED SPACES.

Loading spaces shall be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any street, sidewalk or public property. In no event shall the number of loading spaces provided be less than the number determined in the following Schedule of Required Off-Street Loading Spaces except that, in the case of demonstrated hardship, the Board of Supervisors may grant a variance from loading requirements provided that an approved plan for delivery truck operations including, but not limited to, hours and staging of operation is attached to such variance.

SCHEDULE OF REQUIRED OFF-STREE LOADING SPACES

<u>Gross Floor Area</u>	<u>No. of Loading Spaces</u>
10,000 sq. ft. to 23,999 sq. ft.	1
24,000 sq. ft. to 59,999 sq. ft.	2
60,000 sq. ft. to 95,999 sq. ft.	3
96,000 sq. ft. to 143,999 sq. ft.	4
144,000 sq. ft. to 191,999 sq. ft.	5
192,000 sq. ft. to 239,999 sq. ft.	6
240,000 sq. ft. to 293,999 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 Additional Space

ARTICLE VII – IMPROVEMENTS

701. COMMENCEMENT OF DEVELOPMENT:

No construction or land disturbance activities (not including soil percolation testing, water well drilling, or similar engineering or surveying activities) shall commence until plan approval has been granted by the Township.

702. CONSTRUCTION REQUIRED:

- A. The developer shall contact the Salem Township Board of Supervisors to discuss the required specifications for materials and construction of the proposed improvements.
- B. The applicant shall construct all streets, together with all other improvements specified on the

preliminary plan and in any Developer's Agreement, including, but not limited to, grading, paving, curbs, gutters, sidewalks, street lights, street signs, storm drainage facilities, traffic control measures in conformance with the preliminary or final plan, and Developers Agreement, as approved by the Township.

703. DEVELOPER'S AGREEMENT(S):

The applicant shall prepare and execute an Agreement to be approved by the Township prior to final plan approval of a major subdivision or land development. Said agreement shall specify the following, where applicable:

- A. The applicant agrees that they will lay out and construct all streets and other improvements, including but not limited to grading, paving, open space areas, storm water and erosion and sedimentation control measures in accordance with the preliminary plan as approved, where the installation of any or all of these improvements are required as a requisite to final plan approval. The agreement shall also specify terms of default of the agreement for all parties entering into such agreement.
- B. The applicant guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in this Ordinance and/or in any Developer's Agreement entered hereunder;
- C. The applicant agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township.
- D. Whenever an applicant proposes to establish or continue a street which is not offered for dedication to public use, the lead agency may require the applicant to submit, and also to record with the plan, a copy of an agreement made with the Township on behalf of himself and his heirs and assigns, and signed by him, which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things:
 - 1. That an offer to dedicate the street shall be made only for the street as a whole.
 - 2. That the Township shall not be responsible for repairing or maintaining any undedicated streets.
 - 3. That the method of assessing repair and maintenance costs of undedicated streets be stipulated, and be set forth in recorded deed restrictions so as to be binding on all successors or assigns.

4. That, if dedication be sought, the street shall conform to specifications adopted by the Township or that the owners of the abutting lots shall, at their own expense, restore the street to conformance with the specifications of the Township.

704. COMPLETION OF IMPROVEMENTS:

No plan shall be finally approved unless the streets shown on any plan of subdivision or in any land development have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the Township and street lights, retention basins and other drainage facilities, recreational facilities, open space improvements, or buffer or screen planting and other improvements as may be required by the Township have been installed in accordance with said Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a subdivision or land development plan, the Township may require that the Applicant deposit suitable financial guarantee with the Township for the installation of said improvements, in an amount sufficient to enable their installation by the Township to the specifications of Township Road Ordinance (Ordinance No. 101), as amended, or those specifications imposed by this ordinance, where applicable, in the event the applicant fails to construct improvements as set forth in the Developer's Agreement.

705. IMPROVEMENT GUARANTEES:

- A. The Applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all improvements (including but not limited to streets, street lights, storm water detention and/or retention facilities, pipes and other related drainage or transmission or transportation facilities, recreational facilities, open space improvements, buffer or screen plantings) except as provided for in this Ordinance.
- B. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution or with a financially responsible bonding company or such other type of financial security which the Township may, in its reasonable discretion, approves. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth and stipulates that it will submit to Pennsylvania jurisdiction and the County of Westmoreland venue in the event of legal action.
- C. The financial security shall provide for, and secure to the public, the completion of all improvements for which such security is being posted within one year of the date fixed in the Developer's Agreement for completion of such improvements.
- D. The amount of financial security shall be equal to one hundred ten (110) percent of the required improvements for which financial security is to be posted. The cost of the improvements shall

be established by submission to the local governing body or lead agency of bona fide bid or bids from the engineer(s) or contractor(s) chosen by the party posting the financial security to complete the improvements. All bids are subject to approval by the Township. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten (10) percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.

- E. In the case where development is projected over a period of years, the Township may authorize submission of final plans by section or phased development, subject to such requirements or guarantees as to improvements in the future sections or stages of development as it finds essential for the protection of any finally approved section of the development, and consistent with the terms of Section 508.4 of Act 247, as amended.
- F. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure property completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- G. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Township and shall have forty-five (45) days from the receipt of such request within which to allow the Township Engineer or, at the Township's discretion, the engineer representing the developer, to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans and the developer's agreement.

706. INSPECTIONS:

- A. The construction or installation of all improvements shall at all times be subject to inspection by representatives of the Township. The Township may at any time consult with the Township Engineer for inspection of improvements and charge such fees as established in this Ordinance.

If such inspection reveals that work is not in accordance with approved plans and specifications, the construction is not being done in a workmanlike manner, or that erosion or sedimentation controls are failing to prevent accelerated erosion or water-born sediment from leaving the site of construction, the Township is empowered to require corrections to be made and to issue a Cease and Desist Order which may include any or all of the following sanctions:

1. That no lot or dwelling unit in the development shall be conveyed or placed under Agreement of sale;
 2. That all construction on any lots shall cease; and/or
 3. That no further building construction or further development shall be permitted.
- B. The said Cease and Desist Order shall be terminated upon determination by the Township that the said defects or deviations from plan requirements have been corrected.
- C. No underground pipes, structures, sub-grades, or base course shall be covered until inspected and approved by the Township. A minimum of seven (7) inspections by the Township or its designated representative may be required. These inspections may be carried out in accordance with this Ordinance and shall be required at the following intervals:
1. Upon completion of rough grading, but prior to placing top soil, installing permanent drainage or other site improvements or establishing covers.
 2. Upon excavation and completion or sub-grade.
 3. Upon excavation, installation, and completion of drainage structures, community sewage systems, or water supply systems.
 4. Before placing stone base course, or before initial layer of screenings.
 5. Before binder course.
 6. Before wearing course.
 7. Final inspection.

707. RELEASE FROM IMPROVEMENT GUARANTEE:

- A. When the Applicant has completed all of the necessary and appropriate improvements, he shall notify the Township, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township authorizing and requesting the Township Engineer to inspect all of the aforesaid improvements. The Township shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township, and its engineer shall promptly mail a copy of the same to the

Applicant by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. 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 such non-approval or rejection.

- B. The Township shall notify the Applicant, in writing, by certified mail of the action of the Township regarding its approval, non-approval or rejection of improvements.
- C. If any portion of the improvements shall not be approved or be rejected by the Township, the applicant shall proceed to complete those improvements to the satisfaction of the Township and upon completion, the same procedure of notification as outlined herein shall be followed.
- D. The Applicant shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and are accepted by the Township. In addition, ten (10) percent of the improvement guarantee may be held back by the Township until the Applicant has posted a maintenance guarantee as provided for in this Ordinance.
- E. Partial releases of the performances guarantee or bonds during the period of construction shall be authorized as provided in this Ordinance.

708. COMPLETION REMEDIES:

In the event that any required improvements have not been installed as provided for by this Ordinance or in accordance with the approved final plan or development agreement, the Township may complete the required improvements and execute against 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 installing 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 whole or part of the subdivision or land development, and institute appropriate legal or equitable action against the developer or any other person deemed responsible for the completion of same, to recover the monies necessary to complete the remainder of the improvements. All 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 for no other municipal purpose.

709. DEDICATION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- A. Upon completion of any public improvements shown on an approved plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit a

written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements together with satisfactory proof establishing the Applicant's clear title to said property. Such documents are to be filed with the Township Secretary for review by the Township Solicitor. Deeds of dedication for public improvements shall be accepted by Resolution of the Township approved at a regular meeting thereof. Should any street, or other improvement, even though constructed according to the specifications of this Ordinance, deteriorate, such street and/or other improvement shall be repaired in a manner acceptable to the Township before its final acceptance.

- B. The Township may require that certain subdivision and land development improvements remain undedicated, and that the maintenance thereof remain the responsibility of individual lot owners, a homeowner's association of similar entity, or an organization capable of carrying out maintenance responsibilities.

710. MAINTENANCE GUARANTEE:

- A. Where the Township accepts dedication of all or some of the required improvements following completion (whether such dedication is in fee or of an easement), the Township may require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the agreed to design specifications.

The security shall be in the form as is authorized for the deposit of the improvement guarantee, as described in this Ordinance, shall be for a term of eighteen (18) months from the date of the acceptance of dedication, and shall be in an amount equal to One Hundred Ten Percent (110%) of the actual costs of installation of the improvements so dedicated.

- B Where maintenance of stormwater retention facilities, private streets, or other improvements are to remain the responsibility of individual lot owners, a homeowner's association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Township may required that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the developer's successors in interest, and may further require that an initial maintenance fund be established in an reasonable amount to secure performance of those responsibilities.

ARTICLE VIII – DEFINITIONS

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

The word **PERSON** includes a firm association, organization, partnership, trust, company or corporation as well as an individual, the present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular, the word **SHALL** is mandatory, the **MAY** is permissive; the word **LOT** shall include the words **TRACT** and **PARCEL**.

PARCEL ACCESS: The free uninterrupted liberty, and privilege to use any private or public right-of-way as a means of ingress, egress and regress to and from any lot tract or parcel.

APPLICANT: A landowner, developer, or the agent thereof, as hereinafter defined, who has filed an application for development including the Applicant's heirs, successors and assigns. (Also see "Developer").

APPLICATION: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development.

BUILDING LINE: A line which designates the minimum distance that a building must be constructed from a street, right-of way or other lot line; said line shall be a specified distance from and generally parallel to, the street right-of-way line or lot lines, upon which the lot abuts.

CARTWAY: A portion of the street right-of-way surfaced for vehicular use. Width is determined from the face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

CLEAR SIGHT TRIANGLES: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of a street centerline.

COMMON SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development and designed and intended for the use or the enjoyment of residents of the development, excluding streets, off-street parking aside for public facilities and private yards.

CONDOMINIUM: A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure.

DEDICATION: The deliberate appropriation and offering of land, or improvements, by the owner for any general or public use, reserving unto himself no other rights than are compatible with the full exercise and intent of the public use to which property has been appointed.

DEVELOPER: Any landowner, agent of such landowner, licensee, lessee or tenant who, with or without the permission of such landowner, who makes or causes to be made a subdivision of land, a land development or a land development not involving a subdivision as hereinafter defined. (Also see "APPLICANT").

DEVELOPMENT: Any application for preliminary or final plan of a subdivision of land or a land development.

DRIVE: A common driveway, as defined by this Ordinance, which is of sufficient width, in the opinion of the Township Engineer, to provide safe passage of two vehicles or shall have a sufficient number of pull-over areas to provide safe passage of two vehicles.

DWELLING UNIT: A structure or portion thereof intended to be used for a non-transient residence, whether owner occupied, leased or rented, including:

1. Single Family Detached Dwellings – A free standing dwelling unit intended for single family occupancy;
2. Multi-Family Dwellings – A structure providing two or more dwelling units, with each unit intended for a single family occupancy and designed with a common entrance; and
3. Conversion Units – A single family detached or single family attached dwelling unit structurally modified to provide not more than three dwelling units, each unit intended for single family occupancy.

EASEMENT: A permanent right granted for limited use of private land, for a public or private purpose. The owner of the property has the right to make any other use of the land which is not inconsistent with the rights of the grantee (e.g. utility, drainage and public access easements.)

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a local governing body or lead agency, the Department or a local planning commission.

FLOOD HAZARD AREA: The low areas adjoining and including a watercourse or the body of water such as a pond, marsh, lake, stream, etc., which are subject to inundation by a flood having a frequency of recurrence of one in one hundred years. The basis for delineation shall be prescribed by the Federal Emergency Management Agency.

GUARANTEE MAINTENANCE: Any security which may be required of a Developer by the Township after final acceptance by the Township for improvements installed by the Developer. Such security may include, but is not limited to, Federal or Commonwealth lending institution irrevocable letters of credit or restrictive or escrow accounts.

GUARANTEE IMPROVEMENTS: Any security which may be required of a Developer by the Township in lieu of a requirement that certain improvements be made before the Township grants final approval to the Development Plan.

HALF STREET / PARTIAL STREET: A street, generally parallel and adjacent to a property line, having a lesser right-of way width than normally required for satisfactory improvement and use of the street. Half or partial streets shall be limited to collector, local and private streets.

IMPERVIOUS SURFACE: Material which is impenetrable and unable to absorb water, including but not limited to buildings, structures and paved areas (driveways, parking lots, etc.).

IMPROVEMENTS: Including but not limited to buildings, curbs, streets, gutters, street lights and signs, water mains, hydrants, sanitary sewer mains including laterals to the street right-of way line, storm drainage lines, stormwater management structures, gas and oil wells, gas and oil transmission and transportation lines and other facilities related to

land development activities associated with oil, gas or other mineral extraction, detention ponds, walkways, recreational facilities, open space improvements, shade trees, buffer or screen planting and all other additions to the tract that are required by ordinance or necessary to result in a complete subdivision and/or land development.

- LAND DEVELOPMENT:**
- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - i. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building or lot or lots regardless of the number of occupants or tenure; or
 - ii. The division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - (2) A subdivision of land.
 - (3) This term shall exclude; (1) the conversion of an existing single family detached dwelling or single family semi-attached dwelling into not more than three residential units; (2) the addition of an accessory building, and (3), the addition or conversion of buildings and rides within the confines of an amusement park enterprise consistent with the terms of 53 P.S. §10503(1.1) as amended.

LAND DEVELOPMENT NOT INVOLVING SUBDIVISIONS: The improvement of one lot for any purpose involving the allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants for the purposes of creating leaseholds or the construction of other features or improvements. For purposes of this Ordinance, Land Development Not Involving Subdivisions is deemed to include, but not be limited to the construction of access roads or other improvements associated with oil, methane and natural gas extraction, mineral extraction and other operations affecting the surface of property;

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

LOT: A building site that is described by reference to a recorded plan or by metes and bounds, which has direct legal access to a street or has access to a street over an easement approved by the Department and is intended as a unit for transfer of ownership or development.

LOT AREA: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street but including the area of any easement.

LOT WIDTH: The horizontal distance between side lot lines measured along the building line as specified. When the street is curved, the lot width measurement shall be made on the arc of the building line.

NO-IMPACT HOME-BASED BUSINESS: a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT: a lot the area or dimension of which was lawful prior to the adoption of this Ordinance, but which fails to conform to the area or dimensional requirements created by this Ordinance.

NONCONFORMING STRUCTURE: a structure or part of a structure manifestly not designed to comply with the applicable set backs, area, use or extent of use provisions of this Ordinance, or any amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance or amendment thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: a use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment thereto.

PAVEMENT: See CARTWAY.

PERSON: Any individual, firm, trust, partnership, public or private association or corporation.

PLAN: The map and supporting data of a subdivision or land development, whether preliminary or final.

PLAN / PRELIMINARY: A tentative development plan showing proposed street and lot layout as a basis for consideration and improvements prior to preparation of a final plan.

PLAN / FINAL: A complete and exact development plan prepared for official recording as required by this ordinance.

RIGHT-OF-WAY: The total width of any land reserved or dedicated as a street alley, or crosswalk, or for any other public or private purpose.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as sediment.

SOIL STABILIZATION: The chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STORMWATER: Water which surfaces, flows or collects during and subsequent to rain or snowfall.

STREET: The right-of-way and cartway intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes "road," "roadway," "highway," or other similar designation.

- A. Arterial: A street serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation, where the average daily traffic is greater than or equal to 6,000.
- B. Collector: A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to arterial streets and or a street used for access to non-residential properties, i.e., commercial, industrial, professional, etc, where the maximum design speed is 45 miles per hour.
- C. Local: A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic. Average daily traffic shall be less than or equal to 2,000. The maximum design speed is 35 miles per hour.
- D. Private: A local privately owned street, serving only abutting lots that is not offered or required

to be offered for dedication at the time of final plan review.

- E. Cul-de-sac: A local or private street intersecting another street at one end and terminating at the other end by a permanent circular vehicular turnaround.

SUBDIVISION: The division or re-division of a lot, tract or parcel or land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision or lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be excluded.

SUBSTANTIALLY COMPLETE: Where, in the judgment of the engineer, based on the cost of the required improvements for which financial security was posted pursuant to Section 509 at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

ARTICLE IX – CERTIFICATION

Except as otherwise provided in this Ordinance, the following “Certifications” and “Approvals”, signed by those persons referenced hereafter, shall appear on all preliminary and final plans submitted to the Township:

901. OWNER’S CERTIFICATION:

“On this, the _____ day of _____, 200__, before me, the undersigned officer, personally appeared ____ (Owner’s Name)____, who being duly sworn according to law deposes and says that he is the owner(s) of the property shown on this plan, that the plan thereof was prepared at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property or improvements identified as proposed public property (excepting those areas labeled NOT FOR DEDICATION”) are, hereby, upon the recording of this plan, dedicated to the public use.”

Owner’s Signature

Owner’s Signature

My Commission Expires:
Date: _____
Signature: _____
(SEAL)

902. ENGINEER’S CERTIFICATION:

I, _____ Name _____, a Registered Professional Land Surveyor, of the Commonwealth of Pennsylvania, do hereby certify that this plan currently represents the lots, land, streets, and all other improvements as surveyed by me for the owners or agent of the owner. I further certify that this plan meets with the requirements of all provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and other ordinances, including zoning, existent under the municipality in which the subdivision is located and affecting this plan.

Signature of Engineer (Date)
(Registration Number) (SEAL)

903. PRELIMINARY PLAN APPROVAL:

A. Having satisfied the applicable requirements of the Westmoreland County Subdivision and Land Development Ordinance, preliminary plan approval is granted by the Westmoreland Department of Planning and Development this _____ day of _____, 200__.

Signature Date
(SEAL)

B. Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, preliminary plan approval is granted by the Township of Salem, Westmoreland County, PA. this _____ day of _____, 200__.

ATTEST: THE TOWNSHIP OF SALEM:

Secretary, Salem Township Board of Supervisors Chairman, Salem Township Board of Supervisors
(SEAL)

904. FINAL PLAN APPROVAL:

A. Having satisfied the applicable requirements of the Westmoreland County Subdivision and Land Development Ordinance, final plan approval is granted by the Westmoreland County Department of Planning and Development this _____ day of _____ 200__.

Signature Date
(SEAL)

B. Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, final plan approval is granted by the Township of Salem, Westmoreland County, PA, this _____ day of _____ 200__.

ATTEST: THE TOWNSHIP OF SALEM:

Secretary, Salem Township Board of Supervisors Chairman, Salem Township Board of Supervisors
(SEAL)

905. RECORDER’S CERTIFICATION:

Recorded in the Recorders Office for the recording of deeds, plans, etc., in and forth for the County of Westmoreland in Plan book Volume _____, Page _____ this _____ of _____, 200__.

906. APPLICATION FORM

Appendix “A”

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA, AT A PUBLIC MEETING HELD THE __27th__ DAY OF __July_____, 2006, AND SHALL TAKE EFFECT FIVE (5) DAYS HEREAFTER.

ATTEST:

THE SALEM TOWNSHIP BOARD OF SUPERVISORS

BY: _____
Lynn Cain, Secretary

BY: _____
Anders Johnson, Chairman

Ronald Martz, Vice-Chairman

Robert Zundel, Supervisor

SALEM TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT APPLICATION FORM:

Plan/Development Name: _____ Date: _____

Area of Township: _____

Owner's Name: _____

Owner's Address: _____

Owner's Phone: _____

Surveyor or Engineer: _____

Address: _____

Phone: _____

Sketch: _____ Preliminary Plan: _____

Final Plan: _____ Total Lots: _____

Tax Map: _____ Deed Reference: _____

Total Acreage: _____ Previous Plan Book: _____

Sewage: _____ () On-Lot

Water: _____ () On-Lot

Electric: _____

Phone: _____

Post Office: _____

Gas: _____

Other: _____

Request for Modification or Variance:

Sections: _____

Reasons: _____

Alternative Standard: _____

VERIFICATION

I the undersigned, do hereby set forth and affirm that the information contained in this application and in any attached Plan is true and correct to the best of my information, knowledge and belief. This declaration is made subject to the penalties of 18 PA. CONST. STAT. ANN. SECTION 4904 relating to unsworn falsification to authorities.

DATE: _____

Signature of Applicant

TOWNSHIP USE ONLY

Date of Application: _____

Date of Planning Commission Review: _____

Date of Preliminary Plan Approval: _____

Date of Final Plan Approval: _____

Fee Paid: _____

Date Fee Paid: _____

Received By: _____

APPENDIX “B”

PURPOSE

The Township of Salem, Westmoreland County, Pennsylvania contains vast areas of farms and other land subject to future development. Many of these lands are subject to drilling operations conducted by oil and gas companies and/or other persons attempting to extract oil, gas and related products from their substrata or other activity and operations resulting in surface disturbance. These operations, among other things, require the construction of access roads and oil and/or gas transportation lines which impact the surface of the land and, if left un-regulated, adversely affect continuing development.

This Appendix is approved and enacted as part of the within Subdivision and Land Development Ordinance to enable continuing oil and gas drilling operations, and other forms of land development, while ensuring the orderly development of property through the location of access ways, transportation lines and treatment facilities necessarily associated with same. Nothing in the following provisions shall be deemed or construed to be in conflict with the Pennsylvania Oil and Gas Act, as same is set forth in 53 P.S. §601.101 et. seq. To the extent any term or provision set forth hereafter is found to be preempted by such Act, the terms of the Oil and Gas Act shall supercede these provisions.

ARTICLE – I

SURFACE DEVELOPMENT ASSOCIATED WITH OIL AND GAS WELL DRILLING OPERATIONS

SECTION I - DEFINITIONS:

The words and terms used in all Articles of this Appendix shall have the following meanings unless the context clearly indicates otherwise:

Access Road or Access Way – Any road or access way extending from a public road or private road or cart way to a well site, transmission line, treatment facility or any other improvement used or associated with drilling operations.

Applicant – Any person required to make application for a permit under the Ordinance enabling and adopting this Appendix.

Board of Supervisors or Board – The Board of Supervisors of the Township of Salem, Westmoreland County, Pennsylvania or their designees.

Developer – Any person, corporation, partnership, entity or firm engaged in land development not involving a subdivision of property as defined in the Ordinance enabling and adopting this Appendix.

Developed Spring – A spring or other water source used to supply, in whole or in part, water for personal consumption, farming, livestock or other commercial activity on property.

DEP – The Commonwealth of Pennsylvania Department of Environmental Protection.

Drilling Operation or Operations – The use, development, construction and/or maintenance of any and all facilities used to drill for or otherwise used in the extraction of oil, natural gas, methane gas or other similar products, including the installation and utilization of access ways for equipment and the construction and maintenance of oil and gas transportation lines. This term shall also be deemed to include the construction of treatment and/or other facilities where oil, natural gas, or its byproducts are cleaned or processed.

Gas – Any natural gas, whether contained in coal beds or otherwise, including methane gas, removed or removable from sub-surface seams through conventional drilling operations, air, explosives, hydro-fracturing or any other method used to transmit such gas to the surface for transmission off the property.

Ordinance – The Salem Township Subdivision and Land Development Ordinance which enables the adoption of this Appendix and of which it is a part.

Owner – A person who owns, manages, leases, controls or possesses a well, rights to oil and/or natural gas, whether same are separate from the surface owner or otherwise.

Private Water Supply – Any water supply that is not a public water supply.

Public Water Supply – Any water system that is subject to the Pennsylvania Safe Drinking Water Act (35 P.S. § 721.1 through 721.17).

Surface Owner – Any person having legal title in and to the surface of real estate subject to an existing oil and/or gas lease or oil and gas reserves subject to a drilling operation.

Township – The Township of Salem, Westmoreland County, Pennsylvania.

Transportation Line or Transmission Line – Any pipe or line used to transport oil, gas and/or any waste or by-product, from a well site, to locations on or off the property.

Water Supply – A supply of water for human consumption or use, or for agricultural, commercial, industrial or other legitimate beneficial uses.

Well Operator or Operator – Any person, corporation, partnership, firm or other business entity designated as the well operator or operator on the permit application or well registration with the Commonwealth of Pennsylvania Department of Environmental Protection. If a permit or registration was not issued, this term shall mean a person that locates, drills, operates, alters or plugs a well or reconditions a well with the purpose of production therefrom. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

Well Site – The area over which any equipment or facilities necessary for or incidental to the drilling, production or plugging of a well.

SECTION II – REQUIRED APPROVALS:

A. From and after the effective date of this Ordinance, no person, owner, well operator, operator or surface owner shall be permitted to engage in surface disturbance activities associated with drilling operations, nor shall they permit disturbance of the surface of any land associated with or arising from drilling operations within the Township of Salem Westmoreland County, Pennsylvania without receiving a permit for same from the Board of Supervisors of the Township of Salem.

B. Any owner, well operator, operator and/or surface owner seeking approval for surface disturbance activities associated with oil and/or gas well drilling operations shall submit an Application for Drilling Operation Surface Disturbance Approval to the Township on the form attached hereto, such form of Application being approved by the enactment of this Ordinance. Such Application shall thereafter be filed with the Township Secretary and be accompanied by the following information:

1. A copy of the Application to engage in such operations submitted to the Commonwealth of Pennsylvania Department of Environmental Protection.

2. A copy of the Plat of the property upon which drilling operations are to occur, as submitted to the DEP, depicting the location of any improvements (i.e. houses, barns and/or accessory structures) and the location of any ponds, streams, water wells, developed springs and/or other surface and/or sub-surface water supplies on the property, and within One Thousand Feet (1000') of the proposed well site, even if such improvements are off the property.

3. The Plat referenced in Paragraph 2 above shall contain the preliminary locations of all proposed transmission lines from each well site through the property and the location of all access roads from any public thoroughfare within the Township to the well site. Not later than thirty (30) days following the construction of any transmission lines pursuant to this Ordinance, the Owner/Operator shall submit to the Township a scaled drawing showing the "As Built" locations of the transmission lines on the property.

4. A copy of a flow test evidencing the gallon per minute recovery rates of all wells on the property subject to drilling operations in use for any private residence or residences upon such property prior to the beginning of drilling operations. Where all residences situate within 1000 feet of a well site are connected to a public water distribution system, no flow test shall be required.

5. A copy of a water quality test on all water wells, developed springs and surface waters establishing the base chemical composition of all well and surface water supplies within One Thousand Feet (1000') of the well site and/or treatment facility, even if they are located off the property. At a minimum, such tests shall be conducted to establish the presence and levels of bacteria/coliform,

salt, sulfur, hydro-carbons, and/or other contaminants commonly associated with oil and gas drilling operations. Where all water supplies situate within 1000 feet of a well site and/or a treatment facility are owned or managed or by a public water authority or other public entity, the requirements of this paragraph shall be waived upon the submission of an agreement between the Owner/Operator and the public authority/entity, accompanying the Application, indicating that such public entity: (1) does not require such testing; and (2) will monitor potential discharges from the well site or any treatment facility.

C. PROCEDURE:

1. All applications for permits under this Article shall be submitted directly to the Board of Supervisors for review and approval and shall not be subject to preliminary review by the Planning Commission.

2. The terms set forth in this Appendix are the minimum terms acceptable to the Township for the issuance of a permit hereunder. In the event an applicant's request complies with the terms set forth hereafter, a Conditional Permit may be issued by the Township, subject to final approval by the Board of Supervisors at a public meeting.

3. Nothing in this paragraph shall be deemed or construed to authorize the Township to issue a permit for any activity covered by this Article which does not strictly comply with the terms contained herein without obtaining an exception from the terms of this Article as hereafter provided.

SECTION III - SURFACE DISTURBANCE ACTIVITIES:

A. ACCESS ROADS:

1. All access roads to any well site shall be located in a manner that provides the most direct and feasible means of access to a well site from a public road or right of way, given the contours of the land and other surface particularities.

2. Second and/or subsequent well sites on any property shall utilize the same access way from the public right of way and be directed from well site to well site unless otherwise approved by the Board of Supervisors.

3. During the construction of any gas well and related facilities, access roads shall be of sufficient width to accommodate the transportation of equipment used in the construction process. Following completion of construction activities, any access road shall be not more than fifteen feet (15') in width and be constructed of materials that will facilitate removal and surface restoration following abandonment of the well, well site and/or drilling operations. The owner/operator shall restore any area around such access road in excess of fifteen

feet (15') in width disturbed by the transportation of equipment during construction to as close as possible to its pre-construction condition.

4. Any access road constructed under this Ordinance shall meet and maintain the following standards:

- (a) The owner/operator must install and maintain such road to ensure a "mud free" gravel surface for at least Two Hundred Feet (200') of its intersection with all public and private roads;
- (b) The owner/operator must construct and maintain a "tire cleaning surface" consisting of a minimum of One Hundred Feet (100') of #3 Penn DOT approved stone having a depth of not less than Six Inches (6"), at all intersections with public roads during construction for drilling operations;
- (c) No access road shall be installed with a surface slope greater than twelve per-cent (12%) without the approval of the Board of Supervisors.
- (d) The Owner/Operator shall submit a Stormwater Management Plan providing for the regulation of surface water drainage consistent with the Salem Township Stormwater Management Ordinance in effect at the time such road is constructed. Such Plan shall be reviewed and approved by the Township Engineer prior to the issuance of any permit hereunder.
- (e) Any Cross-pipes required to be installed under this Appendix shall be not less than Twelve Inches (12") in diameter;
- (f) Any "high side" Access Road shall have at least One (1) cross-pipe within Fifty feet (50') of its intersection with any public or private road.
- (g) If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form, evidencing such owners' permission to discharge surface water onto their property.

5. Following the cessation of drilling operations on the property and the abandonment of any well or well site, the owner and/or well operator shall within 60 days, remove all access roads, re-grade and restore the surface to its natural pre-construction condition. The owner and/or operator may enter into a written agreement with the Surface Owner in possession at the time of abandonment to keep any access way in place in its then condition or to make other modifications to such access way that would leave all or portions of same in place. Upon

presentation of such written agreement to the Board of Supervisors, the obligation of the owner and/or operator to remove the access road and restore the surface shall cease and any bond held by the Township as security for such restoration shall be returned to the owner and/or operator.

6. Upon the approval of any Application for Drilling Operation Surface Disturbance Approval the owner and/or well operator shall post a bond with the Township, in a form approved by the Township Solicitor and in an amount acceptable to the Board of Supervisors, to cover the costs of removing the access way and the restoration of the surface of such abandoned access way. The amount of any bond posted shall be determined by the Township Engineer and be in an amount estimated to be sufficient to remove the access road constructed. The Township may adjust the amount of such bond on an annual basis in the event the Township Engineer determines that, through increases in removal and replacement costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the removal of such road and the restoration of the road surface. At any time after the well is in production and before same is abandoned, the owner and/or operator may enter a written agreement, in a form sufficient for recording with the Recorder of Deeds of Westmoreland County, to permit any access road to remain on the property after abandonment. Such agreement shall be presented to the Board of Supervisors and, if approved, upon receipt of a recorded copy of such agreement, any bond held by the Township shall be released.

In the event the owner/operator enters and submits along with the Application for a Permit under this Ordinance, a written agreement with the Surface Owner, in a recordable form, which approves the location of the access road on their property and permits such road to remain in its location after the cessation of operations, the bonding for the removal of such access road under this section shall not be required.

7. The owner and/or well operator shall not unreasonably restrict or otherwise impede the surface owner's access over or across any such access way during the course of drilling operations.

8. The owner or operator shall install locking gates where an access road crosses or intersects with any public road entrance, fence line and/or property line. Such gate shall be of sufficient width to permit ingress and egress by vehicles, equipment and machinery of the owner, operator and surface owner. The owner or operator shall provide the surface owner with a key, combination or other means of opening such gate for ingress and egress over the property.

9. Any person, partnership, corporation or firm engaging in drilling operations or other Land Development not involving subdivisions shall enter into an Excess Road Maintenance Agreement with the Township guaranteeing that any damage occurring to Township Roads during the course of drilling operations shall be repaired and that the condition of such road shall be restored to its pre-development condition.

B. TRANSMISSION LINES:

1. Unless another location is approved in writing by the Surface Owner, all transmission lines from an operating well site shall be located within or as close as practicable to existing access ways, property lines and/or fence lines to minimize the impact of their location upon the surface of the property.

2. Where possible, the transmission lines from any second or subsequent wells on such property shall tie into existing transmission lines constructed for existing wells.

3. All transmission lines shall be constructed at a minimum depth of thirty-six inches (36") with a "warning ribbon" at a depth of eighteen inches (18") installed over same. Any and all plastic transmission lines shall be installed with a locator wire and backfilled with clean select fill or other appropriate materials designed to minimize the risk of cracking and/or leaks.

4. Unless a greater period of time is prescribed by the DEP or by the terms of the Oil and Gas Act, following the abandonment of any transmission line or drilling operations on the property, the owner and/or well operator shall, within 60 days, shall remove all above-ground appurtenances (including valves and gate boxes) to line depth and provide the Township with notice that such transmission line has been abandoned.

5. Unless other methods are approved by the Commonwealth of Pennsylvania Department of Environmental Protection, any transmission line crossing a stream, pond or other water source shall be encased in concrete or a steel casing.

6. Unless otherwise regulated by the Commonwealth of Pennsylvania Department of Environmental Protection, any transmission line running beneath a public or private road servicing a residence shall have steel casing extending below the road surface to a distance of not less than ten feet (10') past the wearing surface of the road.

C. WATER TREATMENT FACILITIES:

1. Any water treatment facility used to treat water or any other waste product resulting from drilling operations shall be constructed as close as is reasonably practical to a public road or right of way to minimize its impact on the usable land of the surface owner.

2. Any treatment facility so constructed shall meet any and all requirements imposed by the Commonwealth of Pennsylvania Department of Environmental Protection for same.

3. At any time after the well is in production and before same is abandoned, the owner and/or operator may enter a written agreement, in a form sufficient for recording with the Recorder of Deeds of Westmoreland County, to permit such treatment facilities to remain on the property after abandonment. Such agreement shall be presented to the Board of Supervisors and, if approved, upon receipt of a recorded copy of such agreement, any bond held by the Township shall be released.

4. Upon the approval of any Application for Drilling Operation Surface Disturbance Approval the owner and/or well operator shall post a bond with the Township, in a form approved by the Township Solicitor and in an amount acceptable to the Board of Supervisors, to cover the costs of removing the treatment facility and the restoration of the surface of same. The amount of any bond posted shall be determined by the Township Engineer and be in an amount estimated to be sufficient to remove the treatment facility constructed. The Township may adjust the amount of such bond on an annual basis in the event the Township Engineer determines that, through increases in removal and replacement costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the removal of such facility and the restoration of the surface of same.

In the event the owner/operator enters and submits, along with the Application for a Permit under this Ordinance, a written agreement, with the Surface Owner, in a recordable form, which approves the location of the treatment facility on their property, and permits such treatment facility to remain in its location after the cessation of operations, the bonding for the removal of such treatment facility under this section shall not be required.

D. WELL HEADS:

1. Well Heads shall be constructed in accordance with those requirements and regulations imposed by the Oil and Gas Act in effect at the time of construction and the Commonwealth of Pennsylvania Department of Environmental Protection.

2. Following the cessation of drilling operations, unless a greater period of time has been approved by the DEP or is prescribed under the terms of the Oil and Gas Act, all well heads shall be immediately capped in accordance with those requirements and regulations imposed by the Oil and Gas Act in effect at the time of construction and the Commonwealth of Pennsylvania Department of Environmental Protection and all above ground machinery immediately removed.

E. SURFACE AND GROUND WATER:

1. Upon receipt of a written complaint from the Surface Owner that the quantity of the water supply for the property has been affected by the drilling operations thereupon, the Township shall report same to the owner and/or well operator. Within ten (10) days of receipt of written notice of such report, the owner and/or operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on the property and shall submit the results of same to the Township and surface owner. The Township shall immediately forward a copy of the original flow test results submitted as part of the Permit Application referenced above, together with the post-complaint flow test results to the Commonwealth of Pennsylvania Department of Environmental Protection for disposition pursuant to §601.208 of the Oil and Gas Act (58 P.S. §601.208), or its successor Sections and any regulations associated with same. Nothing in this paragraph shall be deemed or construed to limit the ability of any affected Surface Owner from making a Complaint directly to the DEP or pursuing actions through that Agency.

2. Upon receipt of a written complaint from the Surface Owner that the quality of any water source and/or surface water supply (i.e. wells, ponds, streams, developed springs, creeks, etc.) on the property, has been affected by the drilling operations thereupon, the Township shall report same to the owner and/or well operator. Within ten (10) days of receipt of written notice of such report, the owner and/or operator shall perform a water quality test for affected water source and/or surface water supply on the property and shall submit the results of same to the Township and surface owner. The Township shall immediately forward a copy of the original water quality test results submitted as part of the Permit Application referenced above, together with the post-complaint water quality test results to the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) for disposition pursuant to §601.208 of the Oil and Gas Act (58 P.S. §601.208), or its successor Sections and any regulations associated with same. Nothing in this paragraph shall be deemed or construed to limit the ability of any affected Surface Owner from making a Complaint directly to the DEP or pursuing actions through that Agency.

3. In the event the DEP takes or requires the owner and/or operator to take remedial action to correct deficiencies in the water supply on the property, or private remedial measures to correct deficiencies in the quality or quantity of the water supply on the property have occurred, the Township may declare the drilling operations on the property to be a “public nuisance” pursuant to 58 P.S. §601.502, or any successor Section, revoke or suspend any permit issued hereunder and pursue its rights to restrain such conditions pursuant to 58 P.S. §601.504, or any successor Section.

4. In the event the DEP takes or requires the owner and/or operator to take remedial action to correct deficiencies in water quality on the property, or private remedial measures to correct deficiencies in the quality or quantity of the water supply on the property have occurred, the Township may declare the drilling operations

on the property to be a “public nuisance” pursuant to 58 P.S. §601.502, or any successor Section, revoke or suspend any permit issued hereunder and pursue its rights to restrain such conditions pursuant to 58 P.S. §601.504, or any successor Section.

5. Nothing in this Section shall preclude the surface owner from performing independent testing or pursuing any private remedies, at law or in equity, through the Court of Common Pleas of Westmoreland County or otherwise, for injunctive relief or money damages resulting from decreases in well recovery rates or contamination of ground or surface waters, arising or otherwise resulting from drilling operations, notwithstanding the requirements of this section.

6. Upon receipt of notice that a flow test or water quality test has given rise to corrective action taken by the DEP, or private remedial measures to correct deficiencies in the quality or quantity of the water supply on the property have occurred, the Township shall send notice to the owner/operator to correct those conditions giving rise to the corrective action and/or remedial measures referenced herein. If the owner and/or operator fail to correct such conditions within thirty (30) days of the date of the Notice, the owner’s/operator’s permit shall be suspended and/or revoked and the Township may take action to restrain the continuation of such conditions as referenced in Paragraph IV.E.4 herein.

SECTION IV – REQUESTS FOR EXCEPTIONS - AGREEMENTS BETWEEN SURFACE OWNERS AND OWNERS/WELL OPERATORS:

A. As part of the Application for Drilling Operation Surface Disturbance Approval, the owner and/or the well operator and surface owner may enter into and submit an Agreement to the Board of Supervisors for consideration, concerning the location of transmission lines, access ways, surface/site restoration and/or the construction of those treatment facilities referenced above as part of the permit approval process. Any such Agreement shall be in writing and be signed by the owner, well operator or their appropriate representatives and all surface owners of the property subject to the drilling operation in a recordable form.

B. In such Agreement, the parties may reach tentative agreements or understandings, subject to approval by the Board of Supervisors, concerning the location of transmission lines, access ways, surface/site restoration, the construction of treatment facilities referenced above and the removal or non-removal of same. Any such Agreement shall be submitted along with the Application for consideration.

C. The submission of an Agreement between the owner, well operator and surface rights owner containing provisions for the construction, location, removal and/or restoration of any transmission line, access road or treatment facility referenced herein in conflict with the requirements of this Ordinance, shall be deemed a request for an exception from the terms of this Ordinance. In addition, in the event the Applicant believes that strict compliance with the terms set forth in this Appendix creates an unnecessary hardship, the Applicant may submit a request for an exception from the term or terms of this Appendix alleged to create such hardship along with the application for a permit. Agreements between the Surface Owner and Owner/Operator relating only to the removal of Access Roads and Treatment Facilities as set forth above shall not be considered a request for an exception, but shall be accepted by the Board of Supervisors in support of the waiver of those bonding requirements set forth herein.

D. The Board of Supervisors of Salem Township shall consider any request for an exception from the terms of this Ordinance at a regularly scheduled public meeting. Following such public meeting, the Board of Supervisors may grant or deny the request for an exception from the terms of this Ordinance, in whole or in part. The decision of the Board of Supervisors shall be voted upon at such public meeting, and a written decision transmitted to the parties to the Applicant, surface owner and/or owner/operator, as the case may be, within fifteen (15) days of the public meeting. The failure of the Board of Supervisors to vote on an exception request within sixty (60) days of the date of receipt of such Agreement or to issue a written decision within fifteen (15) days following same, shall result in a deemed decision in favor of the Applicant. No Agreement between the owner, well operator and surface owner, or any exception from the terms of this Ordinance, regardless of its approval by the Board of Supervisors, shall contain provisions or permit activity inconsistent with the terms of the Oil and Gas Act referenced above or any other law of the Commonwealth of Pennsylvania regulating drilling operations on the property.

E. Any party aggrieved by the determination of the Board of Supervisors made pursuant to this Ordinance may appeal such determination to the Court of Common Pleas of Westmoreland County, Pennsylvania pursuant to the terms of the Pennsylvania Municipalities Planning Code.

ARTICLE II - ACCESS ROADS AND LAND DEVELOPMENT NOT INVOLVING SUBDIVISIONS

SECTION I – ACCESS ROADS FOR LAND DEVELOPMENT OTHER THAN OIL AND GAS WELL DRILLING OPERATIONS:

A. Except for “Agricultural Operations” as defined in §10107 of the Pennsylvania Municipalities Code (53 P.S. §10107), private access roads for all other land development not involving subdivisions of property as defined in this Ordinance shall be laid out, installed and maintained as follows:

1. All access roads shall be located in a manner that provides the most direct and feasible means of access to and from a public road or right of way to the work site, given the contours of the land and other surface particularities to the work area.

2. During the work associated with the land development activity, access roads shall be of sufficient width to accommodate the transportation of equipment used in the land development process.

3. Any access road constructed under this Ordinance shall meet and maintain the following standards:

- a. The Applicant must install and maintain such road to ensure a “mud free” gravel surface for at least Two Hundred Feet (200’) of its intersection with all public and private roads;
- b. The Applicant must construct and maintain a “tire cleaning surface” consisting of a minimum of One Hundred Feet (100’) of #3 Penn DOT approved stone having a depth of not less than Six Inches (6”), at all intersections with public roads during construction for drilling operations;

- c. No access road shall be installed with a surface slope greater than twelve per-cent (12%) without the approval of the Board of Supervisors.
- d. The Applicant shall submit a Stormwater Management Plan providing for the regulation of surface water drainage consistent with the Salem Township Stormwater Management Ordinance in effect at the time the operations are engaged in. Such Plan shall be reviewed and approved by the Township Engineer prior to the issuance of any permit hereunder.
- e. Any “high side” Access Road shall have at least One (1) cross-pipe within Fifty feet (50’) of its intersection with any public or private road.
- f. If surface water from any access road or construction site is anticipated to be redirected of the property onto adjoining property, the Applicant shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or Applicant, in a recordable form, evidencing such owners’ permission to discharge surface water onto their property

3. Any person, partnership, corporation or firm engaging in Land Development unrelated to subdivisions, including those involving “Agricultural Operations” as defined in §10107 of the Pennsylvania Municipalities Code (53 P.S. §10107), shall enter into an Excess Road Maintenance Agreement with the Township guaranteeing that any damage occurring to Township Roads during the course of the land development operations shall be repaired to restore the condition of such road to its pre-development condition.

SECTION II – SITE RESTORATION, ACCESS AND BONDING:

A. Within 60 days of the cessation of land development operations on the property, the developer/applicant shall remove all access roads, re-grade and restore the surface to its natural pre-construction condition. The developer may enter into a written agreement with the Owner in possession at the time of cessation of land development activities to keep any access road in place in its then condition or to make other modifications to such access way that would leave all or portions of same in place. Upon presentation of such written agreement to the Board of Supervisors, the obligation of the developer to remove the access road and

restore the surface shall cease and any bond held by the Township as security for such restoration shall be returned to the applicant.

B. In the event the owner/operator enters and submits along with the Application for a Permit under this Ordinance, a written agreement with the Surface Owner, in a recordable form, which approves the location of the access road on their property and permits such road to remain in its location after the cessation of operations, the bonding for the removal of such access road under this section shall not be required.

C. Unless accompanied by an agreement with the surface owner relieving the Applicant from removing or restoring any access way for the land development herein described, upon the approval of any application for land development not involving subdivision, the Applicant shall post a bond with the Township, in a form approved by the Township Solicitor and in an amount acceptable to the Board of Supervisors, to cover the costs of removing the access way and the restoration of the surface of such abandoned access road. The amount of any bond posted shall be determined by the Township Engineer and be in an amount estimated to be sufficient to remove the access road constructed. The Township may adjust the amount of such bond on an annual basis in the event the Township Engineer determines that, through increases in removal and replacement costs, inflation and/or the passage of time, the amount of the bond is insufficient to fund the removal of such road and the restoration of the road surface.

D. At any time after land development activity begins, and before same is abandoned, the Surface Owner and Applicant may enter a written agreement, in a form sufficient for recording with the Recorder of Deeds of Westmoreland County, to permit any access road to remain on the property after abandonment. Such agreement shall be presented to the Board of Supervisors and, if approved, upon receipt of a recorded copy of such agreement, any bond held by the Township shall be released.

E. The Applicant shall not unreasonably restrict or otherwise impede the surface owner's access over or across such any access way during the course of its operations.

SECTION III – PERMITTING PROCEDURES:

A. Any person, partnership, corporation or firm wishing to engage in Land Development unrelated to subdivisions shall submit an application for same to the Board of Supervisors in the form attached to the Ordinance as Appendix "A", together with a sketch plan showing the location of the property upon which the Land Development activity is anticipated to occur and all locations where the proposed access-ways intersect

with any Township or other public road. The application shall also list those Township roads over which equipment will travel to and from the proposed site upon which the land development activity will occur. Such application shall be reviewed by the Supervisors and approved, approved with conditions or rejected at a public meeting, without the necessity of the submission of formal plans to the Planning Commission or Board of Supervisors.

B. In the event the Applicant believes that strict compliance with the terms set forth in this Appendix creates an unnecessary hardship, the Applicant may submit a request for an exception from the term or terms of this Appendix alleged to create such hardship along with the application for a permit. Agreements between the Applicant and Surface Owner Facilities as set forth above shall not be considered a request for an exception, but shall be accepted by the Board of Supervisors in support of the waiver of those bonding requirements set forth herein.

C. The Board of Supervisors of Salem Township shall consider any request for an exception from the terms of this Appendix or this Ordinance at a regularly scheduled public meeting. Following such public meeting, the Board of Supervisors may grant or deny the request for an exception from the terms of this Appendix or this Ordinance, in whole or in part. The decision of the Board of Supervisors shall be voted upon at such public meeting, and a written decision transmitted to the parties to the Applicant, surface owner and/or owner/operator, as the case may be, within fifteen (15) days of the public meeting. The failure of the Board of Supervisors to conduct such hearing within sixty (60) days of the date of receipt of such Agreement or to issue a written decision within fifteen (15) days following same, shall result in a deemed decision in favor of the Applicant. No Agreement between the Applicant and surface owner, or any exception from the terms of this Ordinance, regardless of its approval by the Board of Supervisors, shall contain provisions or permit activity inconsistent with the terms of any law of the Commonwealth of Pennsylvania regulating land development on the property.

D. Any person aggrieved by a determination of the Board of Supervisors regarding land development not involving a subdivision make appeal such determination to the Court of Common Pleas of Westmoreland County within thirty (30) days of the date such determination is issued.

ARTICLE III – ADMINISTRATION AND ENFORCEMENT

SECTION I – FEES:

All Applications for a Surface Disturbance Permit under this Appendix shall be accompanied by a fee paid to the Township in the amount of \$150.00. This Fee may be modified by the Board of Supervisors hereafter by Resolution.

SECTION VI – ENFORCEMENT AND PENALTIES FOR VIOLATION:

A. Any person, corporation, partnership or firm who fails to obtain a permit required pursuant to the terms of this Appendix, or who otherwise fails to comply with any term or condition of this Appendix shall be guilty of a Summary Offense and, upon conviction thereof before a Magisterial District Judge having jurisdiction over same, shall be sentenced to pay a fine not less than \$500.00 nor more than \$1,000.00 per violation and, in lieu thereof, shall be sentenced to a term of imprisonment for the maximum period permitted by law for the punishment of summary offenses. Each day or portion thereof in which a violation is found to exist and each section of this Appendix or the Ordinance which is found to be violated shall constitute a separate offense without the necessity of filing subsequent citations.

B. Nothing in this Ordinance shall be deemed or construed to limit the ability of the Township to enforce the terms of this Ordinance through an Action in Equity brought in the Court of Common Pleas of Westmoreland County, Pennsylvania. Furthermore, nothing in this Ordinance shall be deemed or construed to limit the ability to immediately initiate any action at law or in equity to enjoin drilling operations or other land development otherwise available to it under the Oil and Gas Act or other law of this Commonwealth when, in its discretion, the conditions on the property constitute a threat to the public health, safety and well-being.