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[HISTORY: Adopted by the Borough Council of the Borough of Curwensville 11-11-74 as Ord. No. 328. Amendments noted where applicable.]

### **GENERAL REFERENCES**

*Municipal authority - See Ch. 10.*

*Planning Commission - See Ch. 14.*

*Building construction - See Ch. 38.*

*Floodproofing regulations - See Ch. 54.*

*Mobile home parks - See Ch. 76.*

*Recreation vehicle parks - See Ch. 86.*

*Sewers and sewage disposal - See Ch. 88.*

*Streets and sidewalks generally - See Ch. 94.*

*Zoning - See Ch. 110.*

## ARTICLE I

### **Purpose and Authority**

#### **§ 96-1. Purpose.**

This chapter has been designed and adopted to provide uniform standards and procedures for the regulation and control of subdivision and land development within Curwensville Borough. The purpose of such regulation and control is to provide for the safe and coordinated development of the municipality by assuring sites suitable for building purposes and human habitation; for the coordination of existing streets with proposed streets, parks or other features of the official street

plan; for ensuring adequate open space for traffic, recreation, light and air; and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.

**§ 96-2. Effect.**

This Subdivision and Land Development Ordinance, including Appendices, shall be in full force and effect, including definitions, plan requirements and processing procedures, design standards, improvements and construction requirements, and conditions of acceptance of public improvements by the Borough of Curwensville.

**§ 96-3. Statutory authority.**

This chapter is adopted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247, effective January 1, 1969, as amended.

## ARTICLE II Definitions

**§ 96-4. Definitions.**

**Unless otherwise expressly stated, the following words shall, for the purposes of this chapter, have the meaning herein indicated:**

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

**BERM** - That portion of a street lying on either side of the cartway between the edge thereof and the adjacent road ditch, intended primarily for stopping and parking purposes.

*Editor's Note: The Appendices to the original Ord. No. 328, adopted 11-11-74, were included in the Code in separate chapters.*

*Ch. 54, Floodproofing Regulation;*

*Ch. 78, Mobile Home Parks;*

*Ch. 88, Recreation Vehicle Parks.*

**COUNTY** - The County of Clearfield, Pennsylvania.

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

**DEVELOPER** - Any landowner, agents of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

ENGINEER - The Borough Engineer as duly appointed by Borough Council, or such Engineer (registered in Pennsylvania) designated by Borough Council to act on behalf of borough agencies when needed.

EROSION - The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, and includes the conditions resulting there from.

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

FLOODPLAIN:

- A. A relatively flat or lowland area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation.
- B. An area subject to unusual and-rapid accumulation of runoff or surface waters from any source.
- C. An area subject to mudslides caused by accumulation of water on or under the ground.

GOVERNING BODY -The Borough Council of the Borough of Curwensville, Clearfield County, Pennsylvania.

LAND DEVELOPMENT:

- A. The improvement of one (1) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two (2) or more buildings, or
  - b. The division or allocation of land between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, building groups or other features.
- B. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation.
- C. The construction, installing, placing, planting or building of surface structures, utility lines, shopping centers and malls, golf courses, apartment complexes, schools, roads, highways, parking areas or any other similar activity.

LANDOWNER - The legal or beneficial owner or owners of land, including the holder of any option or contract to purchase (whether or not such option or contract is subject to any condition),

a lessee having a remaining term of not less than forty (40) years or other persons having a proprietary interest in land.

LOT - A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest **or** use, and the customary accessory buildings and open spaces belonging to the same; and for the purpose of this chapter, no lot area shall include any of that area contained between existing or proposed public right-of-way lines.

MUNICIPAL ENGINEER - A duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

MUNICIPALITY -The Borough of Curwensville, Clearfield County, Pennsylvania.

PLANNED RESIDENTIAL DEVELOPMENT -An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created by the Municipal Zoning Ordinance.

PLANNING COMMISSION OR AGENCY -The Curwensville Borough Planning Commission.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

- A. PRELIMINARY PLAT - A tentative plan indicating the proposed layout of a subdivision, prepared by the subdivider for submission to the Planning Commission for its consideration.
- B. FINAL PLAT - A complete and exact plan of subdivision which is presented to the Planning Commission for approval and which, if approved, will be submitted by the subdivider to the Recorder of Deeds of Clearfield County for recording in accordance with law.

PUBLIC GROUNDS -Includes:

- A. Parks, playgrounds and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE -Notice given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by law. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough of Curwensville, Clearfield County, Pennsylvania. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

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

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

SEWER, PUBLIC - Includes only those designed and serving to conduct waste to the borough treatment plant.

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

SOIL STABILIZATION - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STORM SEWER - Includes the surface and subsurface facilities designed and operating to conduct stormwater and other necessary surface drainage to a natural watercourse or other municipally approved outlet.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, and for the purposes of this chapter, shall be classified as follows:

- A. ARTERIAL STREETS - Those which are used primarily for through, fast or heavy traffic and are under the auspices of the Pennsylvania Department of Transportation (Penn.DOT).
- B. COLLECTOR STREETS - Those which carry traffic from minor streets to the major system of arterial streets and are under the auspices of the Pennsylvania Department of Transportation (PennDOT).
- C. MINOR STREETS - Those which are used primarily for access to the abutting properties.
- D. MARGINAL ACCESS STREETS - Minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.
- E. ALLEYS - Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STRUCTURE - Anything constructed or erected enclosing an area of one hundred (100) square feet or more, the use of which demands a location on the soil or attachment to something located in or on the soil. A "structure" shall also include any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER - A person, co-partnership or corporation who or which owns land in the municipality and for which a land subdivision application is filed and processed under the provisions of this chapter.

SUBDIVISION:

- A. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

- B. Any development of a parcel of land or plan thereof which involves the installation of streets or alleys, or both, whether or not proposed for dedication, and any development of land for a shopping center or for multiple dwellings.

SUBDIVISION, MAJOR - Any subdivision involving six (6) or more lots, parcels of land or other divisions of land, whether or not they involve new streets, additional utilities or other facilities immediate or future.

SUBDIVISION, MINOR - Any subdivision involving not more than five (5) lots, parcels of land or other divisions. of land, which abuts a street of sufficient width and does not require a new street, the installation of sanitary sewers, storm sewers, water mains or pipes or other facilities.

SWALE - A low-lying stretch of land which gathers or carries surface water runoff.

TOPOGRAPHIC MAP -A map showing the elevations of the ground by contours or elevations.

TOPSOIL - Surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. "Topsoil" is usually found in the uppermost soil layer called the "A-horizon."

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

WATER SUPPLY, PUBLIC - Water approved for drinking purposes and other public use by the Department of Environmental Resources, supplied through approved piping facilities to places of private and public use and being under the jurisdiction of the local governing body.

## ARTICLE III

### **Plan Requirements and Processing Procedures**

#### **§ 96-5. Applicability; submission of plans to Planning Commission.**

The plan requirements and processing procedures shall be followed by subdividers as set forth herein, and plans shall be submitted to the Official Planning Commission of the municipality for review and approval prior to consideration or approval by the governing body.

#### **§ 96-6. Preapplication conference (optional).**

Prior to the filing of an application for preliminary approval of the preliminary subdivision plan, the applicant would be well advised to submit to the Planning Commission the following plans and data:

- A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities; and information describing the proposed subdivision, such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.

- B. Location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it, and including development name, location of any existing facilities that may affect the plan, such as traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals and principal places of employment, and, if applicable, showing also title, scale, North arrow and date.
- C. Sketch showing, on a topographic survey or other available base, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The sketch may be freehand on a print of a topographic map, tax map or a United States Geological Survey map.

### § 96-7. Plats and data for preliminary approval.

Prior to the filing of an application for final approval of the subdivision plan, the applicant shall submit to the Planning Commission the following plans and data:

- A. Topographic data. As required for § 96-6, plus the following:
  - a. Boundary lines or property lines by bearings and distances.
  - b. Existing easements, including location, width and purpose.
  - c. Existing streets on and adjacent to the tract, by name, right-of-way width, location; type, width and elevation of surfacing; walks, curbs, gutters, culverts, etc.
  - d. Existing utilities on and adjacent to the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and streetlights.
  - e. If any of the above are not available at the site, the applicant shall indicate direction and distance to the nearest ones and furnish statement of availability.
    - i. Other existing conditions, including watercourses, marshes, rock outcrop, wooded areas, houses, barns and other significant features, and also including strip and deep mine coal operations.
    - ii. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract.
    - iii. Ground elevations on tract based on datum plan approved by Municipal Engineer. For land that slopes less than two percent (2%) elevations shall be shown at all breaks in grade and along drainage channels or swales not more than one hundred (100) feet apart. For land that slopes more than two percent (2%), contours shall be shown at an interval of not more than five (5) feet, and less in cases where necessary to show irregular land for planning purposes.
    - iv. Title and certificates indicating present tract designation according to official recorder's office, title under which subdivision is to be recorded, names and addresses of owners, acreage, scale, North point, datum benchmarks, certification of registered civil engineer or surveyor, date of survey.

- v. Percolation tests. Percolation tests are required unless all building lots are to be immediately served by a public sanitary sewer system, and such tests shall be made in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. All costs incurred shall be the responsibility of the applicant.
- B. Preliminary plat (general subdivision plan) shall be at a scale of one hundred (100) feet to one (1) inch or larger and shall show all existing conditions required above in Subsection A, Topographic data, and shall show all proposals, including but not necessarily limited to the following:
- (1) Streets: names, right-of-way and cartway widths, approximate grades and gradients.
  - (2) Easements: location, width and purpose.
  - (3) Utilities: location, type and approximate size. This information may be shown on a separate exhibit.
  - (4) Lots: lot lines, numbers and block numbers.
  - (5) Sites, if any, to be reserved for parks, playgrounds or other public uses.
  - (6) Sites, if any, for shopping centers, churches, industry, multifamily dwellings or any other nonpublic use exclusive of single-family dwellings.
  - (7) Building lines, giving dimensions of minimum building setback lines.
  - (8) Site data, including number of residential lots, typical lot size and acres in other public and nonpublic land uses.
  - (9) Title, scale, North arrow and date.
- C. Other preliminary plans. When required by the Planning Commission in order to more fully prove the feasibility of providing the proposed streets within the gradient limitations imposed herein, the developer shall present preliminary profiles showing existing ground surface and proposed street grades; typical cross sections of roadway and sidewalks; a preliminary plan of proposed sanitary and stormwater sewers and water mains, with approximate grades and sizes indicated.
- D. Draft of protective covenants whereby the subdivider proposed to regulate land use in the subdivision and otherwise protect the proposed development.

#### **§ 96-8. Plats and data for final approval.**

Prior to final approval by the Planning Commission and in strict accordance with the regulations and procedures of this chapter, all final plats (subdivision plans) shall be submitted for final approval as follows:

- A. Final plat or final subdivision plan shall be drawn in ink on tracing cloth, Mylar or equal, in sheets not larger than forty-eight by thirty-six (48 x 36) inches nor smaller than eight and one-half by fourteen (8½ x 14) inches, and shall be at a scale of one hundred (100) feet

to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

The final plat shall show:

1. Primary control points, approved by the Municipal Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
  2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
  3. Certifications from appropriate public utility companies to the effect that a review of the subdivision plan has been made and that distribution of services is feasible. Companies should include but not be limited to: gas, electric, telephone, water, etc.
  4. Name and right-of-way width of each street or other right-of-way.
  5. Location and dimensions and purpose of easements.
  6. Number to identify each lot or site.
  7. Purpose for which sites other than residential lots are dedicated or reserved.
  8. Minimum building setback line on all lots and other sites.
  9. Location and description of survey monuments.
  10. Names of record owners of adjoining unplatted land.
  11. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
  12. Certification by surveyor or engineer certifying to accuracy of survey and plat.
  13. Statement of title to the land, signed by the owner.
  14. Statement by owner dedicating streets, rights-of way and any sites fo public uses.
  15. Title, scale, North arrow and date.
- B. Cross sections and profiles of streets showing grades approved by the Municipal Engineer;
- C. plans and profiles of proposed sanitary and storm.water sewers.
- D. Protective covenants, if any, in form for recording.
- E. Erosion and sedimentation control measures.
- F. Floodproofing measures
- G. Other data. Such other certificates, affidavits, endorsements or dedications as may be. Required by the Planning Commission or the governing body of the municipality in the enforcement of these regulations.

#### **§ 96-9. Filing of plans.**

- A. When filing plans for approval, whether preliminary or final, for subdivision and/or land development, the applicant shall submit three copies of all plans and other information to the Planning Commission and shall submit copies as required to satisfy the need as set forth under § 96-8F hereof.

- B.** At the time of filing, the applicant shall pay to the municipality fees to be used to defray the cost of processing such plans. The amount of these fees shall be established by Curwensville Borough Council by resolution. **[Amended 11-10-2003 by Ord. No. 450]**
- C.** All plans shall be submitted to the Planning Commission at least five days prior to the regular meeting of the Planning Commission at which it is desired to seek approval thereof. The Planning Commission shall review the plans. After preliminary review, the Planning Commission may require modification of the plan and, subject to such modification, may concur with the plan. The Planning Commission may submit the preliminary plan to the governing body for review and comment.
- D.** After final plan review and approval, the Planning Commission shall submit the plan and supporting documentation, together with its recommendations, to the governing body.
- E.** Action by governing body. All applications for approval of a final plan shall be acted upon by the governing body, which shall render its decision and communicate it to the applicant not later than 90 days after such application is filed.
1. The decision of the governing body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five days following the decision.
  2. When the plan is not approved as filed, the decision shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
  3. Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the plan as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effects.
  4. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing 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. Refer to Article V, Section 508(4), of Act 247, the Pennsylvania Municipalities Planning Code, for the effect of ordinance amendments on subdivision plans.
- F.** When the county has a Planning Commission, all final plats shall have evidence of review by said County Planning Commission, in the form of a seal or other insignia, prior to submission to the local governing body for final approval. In accordance with Act 247, it is required that the county make a review and submit a report to the borough within a period of 30 days. Should such a report not be forthcoming in said 30 days, the Borough Planning

Commission and Borough Council may proceed with action on the subdivision plan at their convenience.

- G. Guaranty. Before approval of a final plan, the governing body must be assured by means of a proper completion guaranty in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Engineer, that all improvements required in Article V will be installed by the owner or developer in strict accordance with the standards and specifications of the governing body and within a specified time after approval of the final plan. In lieu of bond or securities, the developer may option for complete installation and construction of all improvements as a precedent to final plan approval.
- H. Changes. No changes, erasures, modifications or revisions shall be made on any final plan of a subdivision after approval has been given by the governing body and endorsed in writing on the plan, unless the plan is first resubmitted to the governing body.
- I. Review fees. Review fees shall be paid by the applicant to the Borough in accordance with and based upon the most recent Fee Schedule adopted by Borough Council by resolution.
- J. No application or plat shall be considered as having been filed or accepted for review, inspection or approval unless and until all fees are paid in accordance with said Fee Schedule. No final approval of any application or plat will be granted by the Borough unless and until the applicant reimburses the Borough for the cost and expense of the review fees incurred by the Borough, or any agency, commission or board thereof, for engineering services, legal services, stenographer's fees, sewage enforcement officer fees and fees for any other professional consultants, engaged for the review of and report on said application or plat, including, but not limited to, on-site inspections and tests. All of the above fees for which the Borough is to be reimbursed shall be certified by the Borough Secretary to the applicant at the time when the Borough is in a position to finally approve the application or plat. **[Added 11-10-2003 by Ord. No. 450]**

#### **§ 96-10. Minor subdivisions.**

In the case of a minor subdivision, the subdivider may comply with the following procedures in lieu of submission of a preliminary and final plan:

- A. The subdivider may meet with the Planning Commission and discuss the proposed development as set forth under § 96-60 hereof. Preliminary plans and reviews may be bypassed and final plans prepared at the direction of the Planning Commission.
- B. Submission. The subdivider shall submit two (2) copies of a final plan of any minor subdivision to the Planning Commission. Said final plan shall outline the subdivider's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms to the provisions of this chapter.
- C. Fees. At the time of filing a plan of a minor subdivision, the applicant shall pay to the municipality a fee of ten dollars (\$10.).

- D. Review and approval. Upon a determination by the Planning Commission that the proposed subdivision is in accordance with this chapter, the subdivider shall be advised of the concurrence of the Planning Commission or of such changes as may be required and shall be requested to submit three (3) copies of the final plan.
- E. The Planning Commission shall submit the final plan to the governing body for action as set forth in § 96-9E hereof.

## ARTICLE IV Modifications

### § 96-11. Modification of regulations.

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may request that the governing body modify the regulations so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations.

- A. The standards and requirements of these regulations may be modified in order to encourage and promote flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the planning agency to alter site requirements, and in order to encourage other practices which are in accordance with modern and evolving principles of site planning and development.
- B. In recommending modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified. The granting of modifications shall be conditional and subject to the final approval of the governing body of the municipality in cases where standards or requirements are reduced or modified.

### § 96-12. Large-scale development.

The standards and requirements of these regulations may be modified by the governing body in the case of a plan or a program for a complete community, neighborhood unit or a mobile home park which, in the judgment of the Planning Commission, shall provide adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

- A. Planned residential development. See Appendix 1 of the Curwensville Borough Zoning Ordinance.

- B. Mobile home parks. See Chapter 76, Mobile Home Parks.
- C. Other large-scale development not involving the subdivision of land, including but not necessarily limited to campgrounds, fairgrounds, industrial parks, shopping centers, planned residential developments, campus-type educational facilities, nursing homes, correctional institutions and similar installations, shall be subject to plan review, comment and adjustment by the Planning Commission and governing body; however, prior to any local approvals, evidence of compliance with all rules and regulations of the State Departments of Environmental Resources and Transportation will be required.

## ARTICLE V

### Design Standards

#### § 96-13. Applicability.

- A. The following land subdivision principles and standards will be applied by the Planning Commission and the local governing body in evaluating plans for proposed subdivisions.
- B. The standards outlined herein shall be considered minimum standards for the promotion of the public health, safety, morals and general welfare.

#### § 96-14. Land requirements.

Land subject to hazards to life, health or property, such as quarry land, open ditches, etc., 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.

#### § 96-15. Street system.

All streets which by design or intent are to become a part of the Official Map and the municipal circulation system by legal action of the governing body shall conform to the following design standards and be planned in a manner acceptable to the Planning Commission:

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality.
- B. Proposed streets shall further conform to such local, county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

- D. Minor streets shall be so laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas will generally be required.
- E. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided.
- F. Where a subdivision abuts or contains an existing or proposed major traffic street, the Commission 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 major streets and separation of local and through traffic.
- G. New half or partial streets will not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- H. Whenever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- I. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac.
- J. New reserve strips, including- those controlling access to streets, shall be avoided.

**§ 96-16. Culs-de-sac-streets.**

- A. Culs-de-sac shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curblin of forty (40) feet.
- B. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
- C. Permanent cul-de-sac streets shall not exceed an overall length of one thousand two hundred (1,200) feet, nor shall they be designed to serve more than thirty-six (36) dwelling units.

**§ 96-17. Street widths. [Amended 9-13-1993 by Ord. No. 408]**

- A. Minimum street right-of-way and cartway (roadway) widths shall be as follows:
  - 1. Arterial and collector streets shall be constructed and maintained in accord with standards established by the Pennsylvania Department of Transportation.
  - 2. Minor streets and marginal access streets industrial parks: fifty-foot right-of-way and eighteen-foot paved cartway. All subsequent widening must be in multiples of nine (9) feet, and a four-and-one-half-foot addition to each side of the cartway shall, for the purpose of this chapter, constitute a nine-foot multiple.

3. Minor streets and marginal access streets - all others: fifty-foot right-of-way and twenty-four-foot paved cartway. All subsequent widening must be in multiples of twelve (12) feet, and a six-foot addition to each side of the cartway shall, for the purpose of this chapter, constitute a twelve-foot multiple.
- B. Additional right-of-way and cartway widths may be required by the local governing body for the following purposes:
1. To promote public safety and convenience.
  2. To provide parking space in commercial districts and in areas of high density residential development.
- C. Short extensions of the improvements on existing streets with lesser right-of-way and/or cartway widths than prescribed by this section may be permitted; provided, however, that no section of new right-of-way less than fifty (50) feet in width shall be permitted.
- D. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

#### **§ 96-18. Street alignment.**

- A. Whenever street lines are deflected, connection shall be made by horizontal curves.
- B. Except on minor streets, a tangent shall be required between curves.

#### **§ 96-19. Street grades.**

- A. Center-line grades should be not less than one percent (1%) unless otherwise approved by the Borough Engineer.
- B. Center-line grades shall, wherever feasible, not exceed the following:
1. Minor streets: ten percent (10%).
  2. Collector and major traffic streets: six percent (6%).
- C. Vertical curves shall be used at changes of grade where the difference exceeds one and one-half percent (1 1/2%) and shall be designed in relation to the extent of the grade change.
- D. Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided having a grade not greater than four percent (4%) for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

#### **§ 96-20. 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 less than sixty degrees (60°).

- B. Multiple intersections involving junction of more than two (2) streets shall be prohibited. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- C. 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.
- D. Offset streets shall not be permitted unless no other feasible solution is available, in which event the offset shall be at least one hundred fifty (150) feet center line to center line.
- E. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets, or such greater radius as is suitable to the specific intersection.
- F. Intersection sight distance, measured along street center lines, must be a clear sight triangle of seventy-five (75) feet from point of intersection. No structure, building or other site obstruction shall be permitted in this area.
- G. Sight distance in respect to horizontal and vertical street alignment shall be as follows:
  - 1. Residential streets, measuring from a point along and five (5) feet above a center line: a minimum distance of one hundred (100) feet to a point on the center line.
  - 2. Major thoroughfares, measuring from a point along and five (.5) feet above a center line: a minimum distance of two hundred (200) feet to a point on the center line.

**§ 96-21. Storm drainage.**

- A. Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
- B. Storm sewers, culverts and related installations shall be provided:
  - 1. To permit unimpeded flow of natural watercourses.
  - 2. To ensure adequate drainage of streets.
  - 3. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
    - a. In the design of storm sewerage installations, special consideration shall be given to avoiding problems which could arise from concentration of stormwater runoff over adjacent properties.

**§ 96-22. 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 should have a maximum length of one thousand six hundred (1,600) feet and, so far as practicable, a minimum length of five hundred (500) feet. In the design of blocks

longer than one thousand one hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

- C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.
- D. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have an easement or right-of-way width of not less than fifteen (15) feet and a paved walk of not less than five (5) feet.

### **§ 96-23. Lots and lot sizes.**

Lot dimensions and areas shall conform to the minimums required under the Borough Zoning Ordinance for the district in which the subdivision lies. If a Zoning Ordinance has not been enacted, the following lot dimensions and areas shall apply:

- A. Where both water supply and sanitary sewage disposal are provided by off-lot facilities, lots for single-family detached dwellings shall have a minimum area of seven thousand five hundred (7,500) square feet and a minimum width measured at the building line of sixty (60) feet.
- B. Where only water or sanitary sewage facilities are provided by off-lot facilities, lots for single-family detached dwellings shall have a minimum area of twelve thousand (12,000) square feet and a minimum width measured at the building line of eighty (80) feet.
- C. Where neither water supply nor sanitary sewage is provided by off-lot facilities, lots for single-family detached dwellings shall have a minimum area of twenty thousand (20,000) square feet and a minimum width measured at the building line of one hundred (100) feet.

### **§ 96-24. Building lines and yard lines.**

Building and yard lines shall be not less than those specified in the Zoning Ordinance of the borough for the district in which the subdivision lies.

### **§ 96-25. Percolation tests.**

The subdivider shall submit a feasibility report when septic tanks and/or private water wells are to be used in the subdivision. The feasibility report shall provide an interpretation of information as may be available on the soil conditions of the site. When an evaluation of the feasibility report indicates that percolation tests are necessary, the type, number and location of such tests shall be specified by a representative of the Pennsylvania Department of Environmental Resources or other qualified person as may be designated. The tests shall be conducted in the manner specified in the

Manual of Septic Tank Practice, United States Department of Health, Education and Welfare, Public Health Service Publication No. 526, as amended. The results of the tests shall be signed by either a representative of the Pennsylvania Department of Environmental Resources or other qualified person and submitted to the Planning Commission. Based on these results, the lot sizes shall be established and shall include the specified minimum area required for the absorption field as determined from the percolation test results. In no case shall the lot size be less than the minimum designated herein for lots that must provide on-lot water and sewage facilities.

*Editor's Note: The Zoning Ordinance of the Borough of Curwensville was not Included In the Code of the borough at the time of publication, pending revisions. Copies of the current Zoning Ordinance are on file in the office of the Borough Secretary.*

### **§ 96-26. Construction details and specifications.**

Construction details and specifications in conformance with municipal standards shall be available from the Municipal Engineer. Installation of physical improvements shall be as follows:

#### **A. Monuments and markers.**

1. Placement; marking. Monuments and markers must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.
2. Location of monuments.
  - a. At the intersection of lines forming angles in the boundaries of the subdivision.
  - b. At the intersection of street lines.
3. Location of lot markers.
  - a. At the beginning and ending of curves along street property lines.
  - b. At points where lot lines intersect curves either front or rear.
  - c. At angles in property lines of lots.
  - d. At all other lot corners.
4. Removal. Any monuments or markers that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.

#### **B. Paving.**

1. Streets and alleys, where to be provided, shall be graded, surfaced and improved in accordance with the plans, profiles and cross sections prepared by the subdivider in accordance with municipal specifications and approved by the governing body.
2. Curbs, gutters and culverts shall be installed where required in accordance with municipal specifications.
3. Subsurface drainage and all utilities shall be installed prior to placing the street surface.
4. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as specified by the engineering specifications for

streets. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

C. Sewers and water system.

1. Where a public sanitary sewer system is within one thousand (1,000) feet of, or where plans approved by the governing body provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of, a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system, to be connected to the existing or proposed public sanitary sewer system. The system shall be designed by a registered engineer and approved by the Municipal Engineer.
2. Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the governing body provide for the installation of such public sanitary subdivision, the subdivider shall provide the subdivision with a complete water main supply system, to be connected to the existing or proposed water main supply system.

D. Storm drainage. Whenever the evidence available to the governing body indicates that natural surface drainage is inadequate, the subdivider shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed by a registered engineer and be approved by the municipality.

E. Sidewalks. Sidewalks shall be installed for the safety and convenience of the public.

F. Street name signs. The subdivision shall be provided with street name signs at all intersections. Such signs shall conform to accepted standards.

G. Street trees. The subdivider shall seed the planting strip between the curb and sidewalk, if either or both are required. Street trees of a caliper not less than one and one half (1½) inches shall be provided and planted forty (40) feet to sixty (60) feet apart. The type and spacing of the trees shall be approved by the Planning Commission and the governing body. Notwithstanding the above and in order to protect public sewers, water lines, appurtenant structures and to ensure the continuing safe use of sidewalks, curbs and other paved areas, the following trees shall not be planted as street trees:

1. Poplars, all varieties.
2. Willows, all varieties.
3. White or silver maple (*Acer saccharinum*).
4. Aspen, all varieties.
5. Common black locust.

H. Changes. In cases where any of the foregoing requirements are not deemed appropriate by the governing body to serve in the public interest, the governing body reserves the right to increase, change, alter or substitute materials, manner and specifications for any utility or street improvement.

**§ 96-27. Erosion and sedimentation control.**

Effective soil conservation measures shall be planned and implemented in accordance with the rules and regulations relating to erosion control (Title 25, Chapter 102) of the Pennsylvania Department of Environmental Resources.

A. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

ACCELERATED EROSION- The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

DEPARTMENT - The Department of Environmental Resources of the commonwealth.

DIVERSION TERRACE -A channel or dike constructed upslope of a project for the purpose of diverting stormwater away from the unprotected slope.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land, including but not limited to excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

EMBANKMENT or FILL - A deposit of -soil, rock or other material placed by man.

INTERCEPTOR CHANNEL - A channel or dike constructed across a slope for the purpose of intercepting stormwater, reducing the velocity of flow and diverting it to outlets where it can be disposed.

LAND DEVELOPER - Any person who is engaged in land development as the principal rather than an agent or contractor.

SEDIMENT - Soils or other surficial materials transported by surface water as a product of erosion.

STABILIZATION - The proper placing, grading and/or covering of soil, rock or earth to ensure their resistance to erosion, sliding or other movement.

B. Standards.

1. No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until an erosion and sedimentation control plan has been processed through the Department of Environmental Resources and/or the Clearfield County Conservation District and reviewed by the Municipal Planning Commission or a determination is made by the Commission that such plans are on file with and have been approved by the Department of Environmental Resources (D.E.R.) and/or the Clearfield County Conservation District.
2. No subdivision or land development plan shall be approved unless there has been a plan approved that provides for minimizing erosion and sedimentation consistent with Title 25, Chapter 102, Rules and Regulations of the Department of Environmental Resources.

**§ 96-28. Grading for drainage.**

- A. In order to provide more suitable building sites, the following requirements shall be met:
- a. All lots, tracts or parcels shall be graded to provide proper drainage from buildings without ponding, and all land within a development shall be graded to drain surface water without ponding, except where other arrangements are approved by the Commission.
  - b. All drainage provisions shall be adequate to handle the surface runoff and carry it to the nearest curbed street, storm drain or natural watercourse. Where drainage swales are used, they shall be sodded or planted and of adequate slope, shape or size.
  - c. Concentration of surface water runoff shall only be permitted in swales or watercourses.
  - d. Excavations and fills.
    1. Cut and fill slopes shall not be steeper than two to one (2:1) unless stabilized by a retaining wall or cribbing, except as approved by the Commission when handled under special conditions.
    2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
    3. Cut and fills shall not endanger adjoining property.
    4. Fill shall be placed and compacted *to* minimize sliding or erosion.
    5. Fills shall not encroach on natural watercourses or constructed channels.
    6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
    7. Grading will not be done in such a way as to divert water onto the property of another landowner without the expressed consent of the Commission and the landowner.
    8. Necessary measures for dust control will be exercised.
    9. Grading equipment will not be allowed to cross live streams.
    10. Provision will be made for the installation of culverts or bridges.
- B. Responsibilities.
1. Whenever sedimentation results from stripping vegetation, regrading or other activity, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
  2. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until accepted by the municipality. Or other official agency which accepts responsibility thereafter.

3. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof to maintain said facility in its present state during all activity and to return it to its original condition after activity is completed.
4. Maintenance of drainage facilities or watercourses originating and remaining on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
5. No entity shall undertake any activity affecting any communal stream or watercourse without having obtained approval from the municipality or Department of Environmental Resources, or both.
6. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right of- way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
7. Any person, corporation or other entity making any surface changes shall be
8. required to:
  - i. Collect on-site surface runoff and dispose of it into the common natural watercourse of the drainage area.
  - ii. Handle all runoff through the development by designing to adequately handle storm runoff from any developed area.
  - iii. Pay a proportionate share of the total cost of offsite improvements to the common natural watercourse, based on a fully developed drainage area.
  - iv. Provide and install all drainage and erosion control improvements (temporary and permanent) as required by the erosion and sediment control plan.

**§ 96-29. Design standards for flood-prone areas.**

- A. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the subdivider shall consult the Clearfield County Conservation District office concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate.
- B. Except for a privately developed water body, subdivision adjacent to a river, stream or other significant body of water shall adhere to the following standards:
  1. No building or street may be located within the area subject to a fifty year flood frequency. This area shall be designated on a flood delineation map as "Zone Fl."
  2. Buildings are permitted in areas subject to less frequent occurrences of flooding, the rapid accumulation of groundwater and mudslides, with the provision that they

adhere to reasonable floodproofing standards (Chapter 54, Floodproofing Regulations )

*Editor's Note: Chapter 54 was originally adopted as Appendix of the Subdivision and Land Development Ordinance, Ord. No. 828, adopted 11-11-74.*

*This area shall be designated on a flood delineation map as "Zone F-2."*

### **§ 96-30. Erosion and sedimentation compliance.**

- A. The governing body, in considering all preliminary and/or final plans of subdivision and land development, shall condition its approval upon the execution of erosion and sedimentation control measures as contained in or required by § 96-27.
- B. The erosion and sedimentation control plan will be incorporated into the agreement and bond requirements as required under § 96-34 hereof. Said plan shall be a part of the final plans of subdivision and land development.
- C. At the time of application for a building permit, a review shall be conducted by the Municipal Engineer to ensure conformance with the plan as approved. During construction, consultative technical assistance will be furnished, if requested, by the Municipal Engineer and the County Soil and Water Conservation District. The Municipal Engineer shall inspect the development site and enforce compliance with the approved plans.

## ARTICLE VI Conditions of Acceptance

### **§ 96-31. Subdivision control.**

No subdivision or land development shall be made except in strict accordance with the provisions of this chapter.

### **§ 96-32. Recording.**

Within ninety (90) days after the date of approval, the final plan shall be recorded in the office of the Recorder of Deeds of the county. The developer shall furnish the governing body a Recorder's certificate that said plan is properly recorded. The requirements of Act 247, the Pennsylvania Municipalities Planning Code, shall govern the action of the developer in the recording of documents.

- A. After the subdivision or land development plan is officially recorded, the streets, public grounds and other public areas shown thereon shall be considered a part of the Official Map of the municipality.

- B. Streets, public grounds, easements and other public improvements may be offered for dedication to the municipality by formal notation on the plan, or the owner may note that any such improvements have not been offered for dedication to the municipality.
- C. Streets and public grounds shown on a recorded subdivision plan shall be deemed private until offered for dedication to the municipality and accepted by ordinance or resolution, or until condemned for use by the public.
- D. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or structures are installed on the lots included within the subject plan.

**§ 96-33. Sale of lots; issuance of building permits; erection of buildings.**

No lot in a subdivision or land development may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development shall be issued unless and until a plan of such subdivision or land development has been approved and recorded and improvements have been constructed or guaranteed as herein provided.

**§ 96-34. General provisions.**

- A. The governing body shall not approve any subdivision or land development plan except in strict conformance with the provisions of this chapter.
- B. The governing body may alter any subdivision or land development plan and specify alterations, changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.
- C. No right-of-way or related improvement shall be accepted by the municipality for maintenance unless opened, layed out, graded and improved in strict accordance with standards and specifications of the municipality and/or this chapter.
- D. Completion of improvements or guaranty therefor prerequisite to final plat approval. No plat shall be finally approved unless the streets shown on such plat have been improved as may be required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the Subdivision and Land Development Ordinance may provide for the deposit with the municipality of a corporate bond or other security acceptable to the governing body in an amount sufficient to cover the costs of any improvements which may be required. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required within the period fixed in the Subdivision and Land Development Ordinance for such completion. "In the case where development is projected over a period of years, the governing body or the planning agency may authorize

submission of final plats by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

- E. Release from improvement bond.
- a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer. The governing body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall thereupon file a report, in writing, with the governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
  - b. The governing body shall notify the developer, in writing, by certified or registered mail, of the action of said governing body with relation thereto.
  - c. If the governing body or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all-improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond.
  - d. If any portion of the said improvements shall not be approved or shall be rejected by the governing body, the developer shall proceed to replace the same, and upon completion the same procedure of notification as outlined herein shall be followed.
  - e. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question, by legal proceeding or otherwise, any determination of the governing body or the Municipal Engineer.
- F. Remedies to effect completion of improvements. In the event that any improvements which are required have not been installed as provided in this chapter or in accord with the approved final plat, the governing body may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of the installing or making repairs or corrections to all the improvements covered by said security, the governing body may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used

solely for the installation of the improvements covered by such security and not for any municipal purpose.

## ARTICLE VII Administration

### § 96-35. Violations and penalties.

Any person, partnership or corporation who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or to erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof such person or the members of such partnership or the officers of such corporation, or the agent of any of them, responsible for such violation, shall pay a fine not exceeding one thousand dollars (\$1,000.) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid to the municipality.

The description by metes and bounds in the instrument of transfer or other documents used in the process of **selling or** transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

### § 96-36. Enforcement.

It shall be the duty of the governing body to enforce the provisions of this chapter. In order to properly carry out this responsibility, the governing body can appoint an agent and grant to the duly appointed agent the power and authority to administer and enforce the provisions of this chapter in its stead. The agent shall be responsible to the governing body and shall report periodically to it concerning the administration of the chapter, and such report shall contain all the information necessary to permit the governing body to ascertain that the chapter is being administered and enforced in accordance with the law. The agent shall require that an application for a building permit shall contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved final plat (land subdivision plan). No building permit shall be issued until the agent has certified that the site for the proposed building, alteration or use complies with all the provisions of this chapter and conforms to the site description as indicated on the approved and recorded final plat (subdivision or land development plan).

### § 96-37. Appeals to court from decisions.

The decisions of the governing body or the planning agency with respect to the approval or disapproval of plats may be appealed directly to court in the same manner and within the same time limitations as is provided for zoning appeals from the decisions or findings of the Zoning Hearing Board by Act 247 (Pennsylvania Municipalities Planning Code).

**§ 96-38. Severability.**

- A. The provisions of this chapter are severable, and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the governing body that this chapter would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included herein and if such illegal, invalid or unconstitutional application had been specifically exempted here from.
- B. In any case where a provision of this chapter is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with the provisions of another ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

**§ 96-39. Amendments noted where applicable.**

Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed Subdivision and Land Development Ordinance by Act 247, the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the governing body shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.