

# HAWLEY BOROUGH

## WAYNE COUNTY, PENNSYLVANIA



# Subdivision and Land Development Ordinance

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
HAWLEY BOROUGH, WAYNE COUNTY, PENNSYLVANIA**

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**ARTICLE I  
GENERAL PROVISIONS**

**§100-1 Title:**

This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of Hawley Borough, Wayne County, Pennsylvania."

**§100-2 Authority and Jurisdiction:**

The authority of the Hawley Borough Council to adopt this Ordinance regulating subdivision and land development within Hawley Borough, Wayne County is granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance or other Borough ordinances which regulate such activity.

- A. The provisions and requirements of these regulations shall apply to and control all subdivision and land development for which plans have not been legally recorded in the Office of the Recorder of Deeds in and for Wayne County, Pennsylvania prior to the effective date of this Ordinance.
- B. Unless and until a subdivision and land development plan including the construction or guarantee of all improvements has been approved by the Hawley Borough Council and recorded with the Office of the Recorder of Deeds of the County of Wayne, the following activities are prohibited.
  - (1) No lot in a subdivision or land development may be sold or sales agreement entered into and;
  - (2) No permit to erect any building(s) upon land in a subdivision or land development may be issued and;
  - (3) No building may be erected in a subdivision or land development.

**§100-3 Purposes:**

It is the intent, purpose, and scope of this Ordinance to help:

- A. Protect and provide for the public health, safety, and general welfare of Borough residents.
- B. Guide the future growth and development within Hawley Borough by encouraging practices such as conservation subdivision.
- C. Ensure the conservation of the Lake Wallenpaupack Watershed and environs so as to maintain a stable economic environment and provide for the future recreational needs of the Borough residents.
- D. Provide for adequate light, air, privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land.
- E. Encourage the orderly and beneficial development of all parts of Hawley Borough.
- F. Protect and conserve the value of land, buildings and building improvements.
- G. Ensure adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation and other community facilities and services.

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- H. Provide for the proper circulation of traffic to avoid highway congestion, allow pedestrian traffic movements and ensure the proper location and width of streets.
- I. Establish reasonable standards of design for subdivisions and land developments to further the orderly layout of land and ensure proper legal description and monumenting of subdivisions and land developments.
- J. Ensure public facilities are available and will have a sufficient capacity to serve all proposed subdivisions and land developments.
- K. Implement the *Lake Region Comprehensive Plan*.

**§100-4 Interpretation:**

The provisions of this Ordinance shall be held to be the minimum requirements to meet the purposes stated in §100-3 above.

**§100-5 Borough Liability:**

The granting of approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by an official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon Hawley Borough, its officials, or employees.

**§100-6 Separability:**

If any section, subsection, or requirement of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the legality of the remaining provisions of this Ordinance or of this Ordinance as a whole.

**§100-7 Repealer:**

All previous Subdivision Ordinances and Regulations of Hawley Borough are hereby repealed.

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**ARTICLE II  
DEFINITIONS**

**§100-8 Interpretation:**

Unless the context clearly indicates to the contrary:

- A. The word shall is mandatory, the word may is optional.
- B. Words used in the present tense include the future tense.
- C. Words in the singular include the plural and those in the plural include the singular, while words in the masculine include the feminine and vice versa.
- D. The words person, developer, subdivider, and landowner shall be construed to include a corporation, partnership, firm, association, company, or other similar business entity, as well as individuals.
- E. The word building includes structure and shall be construed as if followed by the phrase, "...or part thereof."

**§100-9 General:**

For the purposes of this Ordinance, the following words and phrases shall have the meaning as given in this Article:

Addition or Lot Improvement: A subdivision of land which is created with the intent and purpose of conveying one lot to the owner of an adjoining lot, tract, or parcel. Once approved in accordance with the terms of this Ordinance, the lot to be conveyed shall be considered an integral part of the adjoining landowner's former lot and not a new lot, tract, or parcel of land, and said lot shall not be sold separately without subdivision approval at the time of any future division.

Agent: A duly authorized person designated by the landowner to act on his behalf.

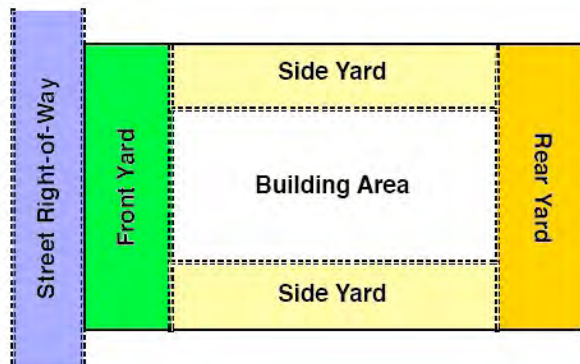
Alley: A public or private street right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on an approved street.

Applicant: A landowner, subdivider, or developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, successors, and assigns.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Building Setback Line: A line within a property defining the minimum required distance (yard) between any structure to be erected and the adjacent right-of-way or side and rear lot lines.

Campsite: A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes. Campsites in transient developments may be clustered and not necessarily specifically defined, however,



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provided the gross density does not exceed that permitted herein.

Cartway: The graded or paved portion of a street used for vehicular travel, excluding shoulders.

Change in Lot Lines: Any change or alteration in existing lot lines. A change in lot lines constitutes a subdivision.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a subdivision or development and designed and intended for the use or enjoyment of residents of said subdivision or development, not including streets, off-street parking areas, and areas set aside for public facilities.

Conditional Approval: Special approval of a subdivision or land development granted by the Hawley Borough Council with conditions attached thereto.

Conservation Subdivision: A form of development for subdivisions that permits a reduction in lot area and other development standards, so as to increase permanent open space.

County: The County of Wayne, Commonwealth of Pennsylvania.

Cul-de-sac: A street with only one (1) outlet which intersects another street at one (1) end and is terminated at the other in a vehicular turnaround (see illustration to right).

DEP: The Pennsylvania Department of Environmental Protection.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision or land development.

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

Driveway: A privately owned vehicular access from a private or public street into a lot, tract, or parcel of land which is used or intended to be used to provide access to not more than one (1) lot, tract or parcel of land.

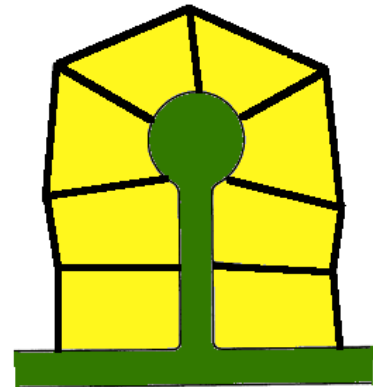
Easement: A right to use the land of another for a specific purpose.

Final Plan: The ultimate map and supporting material drawn and submitted as required in these regulations for a subdivision or land development.

Final Plat: The ultimate map showing the layout of the subdivision or land development which, if approved by the Hawley Borough Council, shall be stamped and signed indicating final approval and shall be the plat of record which is required to be recorded.

Frontage: The distance measured along the street right-of-way line, between the lot side lines.

Improvements: Any physical additions, installations and changes to land intended or required to render land suitable for the proposed use, including, but not limited to, any excavation, clearing or other alteration of the subject parcel of land.



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Land Development: The following projects, excluding all activities listed in Section 503(1.1) of the Pennsylvania Municipalities Planning Code as shall be interpreted by the Borough Council:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) 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.
  
- B. A subdivision of land.

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.

Location Map: A map insert or miniaturized map of the proposed subdivision or land development placed on the plat for the purpose of locating the property as it relates to other adjoining lands of the owner, the surrounding street network, villages, and natural features.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

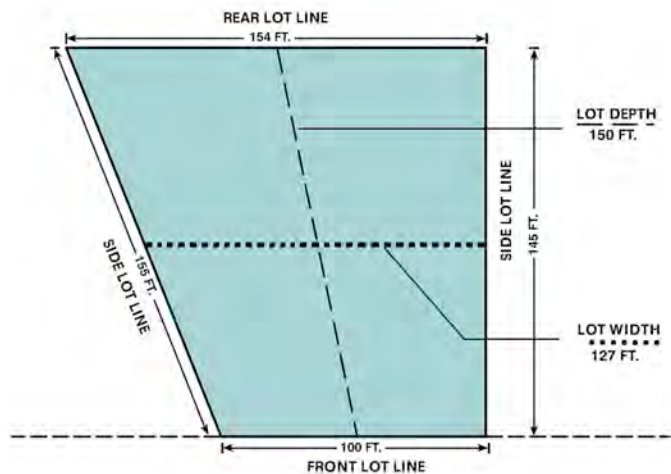
Lot Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision and land development plan, excluding any area within a street right-of-way, but including the area of any easement so long as the easement is intended for no greater use than private access to no more than one adjoining lot.

Lot Depth: The average distance from the front lot line to the rear lot line.

Lot of Record: A lot or parcel of land that shall not to be considered a subdivision for one or more of the following reasons:

- A. The same described lot or parcel of land was legally recorded prior to the enactment of this Ordinance either within a deed or upon a plat: or
- B. Any lot or parcel of land separately described on a legally recorded plat within the Register and Recorder's Office of Wayne County which is not an addition; or
- C. Any lot or parcel of land which is all of the remaining land following subdivision or land development.

Lot Width: The average distance between the property side lot lines.





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Major Subdivisions or Land Developments: All subdivisions and land developments not classified as minor subdivisions and land developments.

Minor Subdivisions or Land Developments: All subdivisions and land developments that meet the criteria specified in §100-10.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. The mobilehome lot in a mobilehome park may be either owned by the occupant of the mobilehome or leased from the mobilehome park owner.

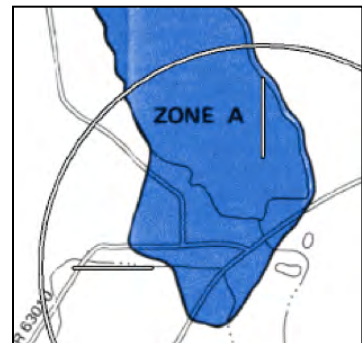
Mobilehome Park: A parcel of land under single ownership which may be a single parcel of land or contiguous parcels which have been designated as a mobilehome park, and is, by improvement, intended for use as three (3) or more mobilehome lots.

Modifications: A relief of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. Procedures and criteria for granting such relief are provided in Article VII - Modifications.

Municipality: Hawley Borough, Wayne County, Pennsylvania.

Newly Created Lot: Any lot or parcel created by the subdividing of a larger parcel that has no previous record of existence, either in the form of a deed description, recorded map, or by any other legal means. An existing agreement of sale does not constitute a lot of record.

One-Hundred Year Flood Plain: The one-hundred (100) year floodway and that maximum area of land that is likely to be flooded by a one-hundred (100) year flood (Zone A) shown on flood plain maps approved or promulgated by the Federal Emergency Management Agency (see excerpt to right).



Open Space: A parcel or parcels of land or a combination of land and water within a subdivision or land development designed and intended for use or enjoyment of residents of said subdivision or land development, not including streets, off-street parking areas, or private yard space.

Planning Commission: The Hawley Borough Planning Commission.

Plat: The map of a subdivision or land development, whether sketch, preliminary, or final.

Preliminary Plan: The tentative map and supporting material drawn and submitted as required in these regulations for a proposed subdivision or land development.

Preliminary Plat: The tentative map showing the proposed layout of the subdivision or land development which, if approved by the Hawley Borough Council, shall be stamped and signed indicating preliminary approval. The preliminary plat which has been approved is not for recording purposes.

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Primary Conservation Areas: Bodies of water, 100-year floodplains, wetlands and slopes over 25% grade.

Private Street: A street, road, access, easement, or right-of-way, constructed to the standards of Hawley Borough, used for access which is not being dedicated or offered for dedication to Hawley Borough and which will be owned and maintained by the landowner, association or other persons.

Professional Engineer: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering.

Professional Land Surveyor: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in Hawley Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Street: A street, road, access, easement, or right-of-way, constructed to the standards of Hawley Borough, used for access which is dedicated to Hawley Borough, constructed to the standards of the Hawley Borough Road Ordinance, and which will be maintained by Hawley Borough upon the Borough's acceptance of the same. See Collector Street illustration to right.

Re-approval: The act of re-approving a lot or parcel of land which had been approved but not recorded in the Register and Recorder's Office of Wayne County within the ninety (90) days as required by this Ordinance.

Recreational Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

Transient recreational subdivision or land developments: Publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Non-transient recreational subdivisions or land developments: Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance. or may be leased on an annual basis.

Recreational Vehicle: A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own automotive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Regulatory Flood Elevation: The one-hundred (100) year flood elevation plus a free board safety factor of 1-1/2 feet.

Right-of-way: The right of use which is reserved and/or conveyed as an easement or a public thoroughfare

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for vehicular and/or pedestrian traffic.

Secondary Conservation Areas: Viewpoints, stone walls, groves of large trees, rock ledges and other areas of value to a subdivision or as conservation features, as shall be determined by the Planning Commission and subdivider.

Sewage Disposal-Central: A sewage collection and disposal system in which sewage is carried from more than one individual lot, by a system of pipes to a central treatment plant which involves a point discharge to the waters of the Commonwealth; in compliance with the applicable Pennsylvania Department of Environmental Protection regulations.

Sewage Disposal-Subsurface: A system of piping, tanks or other facilities serving one or more lots and collecting, treating and disposing of sewage in a manner in which renovation is dependent upon disposing of sewage, in whole or in part into or onto the soil for final disposal in compliance with the applicable Pennsylvania Department of Environmental Protection regulations. Examples include: conventional in-ground systems, sand mounds, spray irrigation systems or other similar community systems.

Sketch Plan: An informal plan indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

Street: A highway, road or other vehicular way that serves as a designated public thoroughfare, is depicted on an approved subdivision or land development plat or is otherwise depicted or described in legal documents recorded in the office of the Wayne County Recorder of Deeds, including the following:

- A. Major Street: An arterial street with signals or stops signs at important intersections that collects traffic from collector streets.
- B. Collector Street: A street which collects traffic from minor streets and delivers it to major streets. See illustration to right.
- C. Minor Street: A street which offers access to abutting properties and has little or no through traffic.
- D. Interior or Marginal Access Street: A street intended to provide access to lots bordering a public right-of-way to which access has been limited or prohibited, and generally running parallel to such right-of-way.
- E. Alley: A service way providing a secondary means of access to abutting properties and not intended for general traffic circulation.



Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Any landowner, or agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land.

Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres of land, not involving any new street or easement of access or any residential dwelling shall be exempt from these regulations.

Borough: Hawley Borough, Wayne County, Pennsylvania.

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Borough Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Hawley Borough.

Borough Council: The Council for Hawley Borough, Wayne County, Pennsylvania.

Un-subdivision: The act of eliminating an existing subdivision by combining lots or parcels of land into one (1) deed describing the entire tract as one (1) lot or parcel.

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**ARTICLE III  
PROCEDURES**

From the date of enactment of this Ordinance, the following procedures, specifications, and supporting materials shall be observed by all subdividers and developers.

**§100-10 Minor Subdivisions and Land Developments:**

- A. Definition: A minor subdivision or land development requires a final plan, but a sketch plan is optional. In determining the number of lots, each newly created lot from the parent parcel, extracted following the date of the enactment of the original Hawley Borough Subdivision and Land Development Ordinance, shall be counted, including the parent parcel. Once the number of lots exceeds ten (10) whether in one (1) submission or over a period of time and several submissions, the said subdivision or land development shall no longer be a minor subdivision or land development. Any subdivision or land development shall be considered a minor subdivision only if it meets all of the following requirements:
- (1) Contains ten (10) lots or less.
  - (2) Fronts on an existing public or private street.
  - (3) Does not involve the construction of any new streets.
  - (4) Does not involve the construction or extension of public or private water service facilities.
  - (5) Does not involve the construction or extension of public or private sewer service facilities.
  - (6) Does not involve the creation of any improvements other than survey lot markers.
  - (7) Does not landlock or limit the ultimate use of interior adjacent land.
  - (8) Does not conflict with any provision or portion of Hawley Borough's comprehensive plan, official map, subdivision regulations or zoning ordinance.
  - (10) Is not a mobile home park, recreational land development or land development.
- B. Sketch Plan Procedures: Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Hawley Borough Planning Commission a sketch plat for review. A sketch plan is informal and intended for discussion purposes only. The Hawley Borough Planning Commission will not formally by way of written correspondence communicate to the applicant regarding the submission and review of the sketch plan. Any comments and/or correspondence from the Borough regarding such submission shall not, in any way, constitute, nor be construed to be, a formal response to such submission and shall not be binding upon the Borough relevant to any formal subdivision at any later date. A sketch plan submission shall consist of a minimum of seven (7) copies of the letter of intent stating that it is only a sketch plan and a minimum of seven (7) copies of the plat. The submission shall be prepared and presented to the Hawley Borough Planning Commission in a minimum of seven (7) individual packages, each package must include all required information. The submission of a sketch plan shall not constitute an official submission of a plan to the Hawley Borough Planning Commission and no formal action on such plan is mandated.
- C. Sketch Plat Specifications: The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and shall show or include the following:
- (1) Location map.

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- (2) The location and proposed layout of that portion which is to be subdivided or developed in relationship to the entire tract.
  - (3) All existing structures within the portion to be subdivided or developed.
  - (4) The name and mailing address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - (5) All streets, streams, and utilities in the tract of land.
  - (6) The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.
  - (7) Name of the municipality and County in which tract is located.
  - (8) North arrow.
  - (9) Graphic scale.
  - (10) Date map was drawn.
- D. Final Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the final plat and a minimum of seven (7) copies of all supporting material as specified herein to the Hawley Borough Planning Commission. The submission shall be prepared and presented to the Hawley Borough Planning Commission in a minimum of seven (7) individual packages, each package must include all required information. Only original unaltered prints of the plat shall be accepted.
- (1) All applicable items listed in §§ D and §§ E hereof shall be required for a complete submittal.
  - (2) The Hawley Borough Planning Commission shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Hawley Borough Planning Commission shall make a report of its recommendations to the Hawley Borough Council.
  - (3) All applications shall be submitted for consideration only at the regularly scheduled meeting of the Hawley Borough Planning Commission by the applicant or his formal designee.
  - (4) All applications for final approval shall be acted upon by the Hawley Borough Council who shall render their decision and communicate it to the applicant not later than one-hundred and twenty (120) days following the date of the formal submission of the application to the Hawley Borough Planning Commission. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
  - (5) As mandated by the Municipalities Planning Code, applications for subdivision and land development within Hawley Borough shall be forwarded upon receipt by the Hawley Borough Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Hawley Borough shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. The one (1) copy of the final plat forwarded to the Department of Planning shall be retained in their files.
  - (6) If the final plan is approved, each copy of the plat shall be stamped and signed. Three (3) copies shall be returned to the applicant. One (1) copy shall be retained by the Hawley

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Borough Council.

- (7) The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat contains the official seal of Hawley Borough and has a minimum of two (2) Hawley Borough signatures.
- E. Final Plat Specifications: The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11" x 17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:
- (1) Location map
  - (2) Tract, subdivision, or land development name, if any.
  - (3) Name and mailing address, of present landowner.
  - (4) Name and mailing address, of applicant if different from landowner.
  - (5) Name of the municipality and County in which tract is located.
  - (6) Tax map and parcel identification number of tract.
  - (7) Deed book and page identification number of tract.
  - (8) Boundaries of the tract and approximate location of abutting property owners.
  - (9) The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - (10) Graphic scales.
  - (11) Reference meridian - North arrow indicating true, magnetic or other source.
  - (12) Date map was drawn and dates of all revisions
  - (13) All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.
  - (14) Each lot identified by number and/or letter.
  - (15) Area of each proposed lot.
  - (16) Total area remaining in parent parcel, if any.
  - (17) The location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.
  - (18) The location and identification of all existing and proposed man-made features, including but not limited to; bodies of water, water courses with direction of flow, wetlands, buildings, drain pipes, culverts, sewer lines, sewage systems, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.

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- (19) The location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.
  - (20) The location, dimension, and identification of building setback lines.
  - (21) Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.
  - (22) An area approximately 3.5"X 5" shall be provided which shall be free of all writing and drawing, for use by Hawley Borough to stamp any approval.
  - (23) Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries shown.
  - (24) Contour lines, stating whether derived from a field survey or based on USGS topographic maps, with a maximum 20 foot interval, if found to be necessary by the Borough.
  - (25) A site data table listing the following: total acreage; number of lots; zoning district(s); proposed water service facilities; proposed sewer service facilities.
  - (26) Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
  - (27) Name, mailing address, certification by stamp or seal, and signature of professional land surveyor who certified the map and survey. Each print shall be individually signed and sealed or stamped by the professional land surveyor.
  - (28) A note on the plat indicating the status of and need for any highway occupancy permits.
- F. Final Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as a part of the final plan:
- (1) A letter of intent, signed by the applicant, or his agent, including a statement indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. A minimum of one (1) original and six (6) copies are required.
  - (2) The completed appropriate portions of the Hawley Borough Subdivision and Land Development Application which is in effect at the time of the submission.
  - (3) All applicable fees as required by this Ordinance.
  - (4) The completed appropriate components of the DEP "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). A minimum of the original plus six (6) copies of the planning modules, with attachments, shall be submitted.
  - (5) A minimum of an original plus six (6) copies of a letter from the sewer authority stating that they will provide sewage service to this subdivision or land development.
  - (6) Water Service Facilities:
    - (a) If water service is proposed by means of a hook-up to an existing line by the applicant of this subdivision or land development, a minimum of an original plus six (6) copies of a letter from the water authority or water company in whose service area the subdivision



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or land development is located stating that they will provide water service to this subdivision or land development.

- (b) If the water service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, a minimum of an original plus six (6) copies of a community well agreement shall be submitted by the applicant to the Borough. The agreement shall stipulate the responsibility of the owner of the community water system that will serve the subdivision or land development as well as the individual property owner located within the subdivision or land development. In addition to the aforementioned agreement the Hawley Borough Council reserves the right to require execution and recording of an appropriate installation and maintenance agreement inclusive of bond document related to the subject system.
- (c) If the water service is proposed by means of an individual on-lot well by the applicant for this subdivision or land development, a minimum of an original plus six (6) copies of a letter from the applicant stating that water service to this subdivision or land development will be provided by an individual on-lot well shall be submitted to the Borough. In addition to the aforementioned agreement the Borough Council reserves the right to require execution and recording of an appropriate installation and maintenance agreement inclusive of bond document related to the subject system.
- (7) A plan from the applicant indicating how they intend to implement and maintain erosion and sedimentation control measures to comply with the requirements of the Pennsylvania Code, Title 25 Environmental Resources, Chapter 102 Erosion Control, requirements as set forth by the Wayne Conservation District and Hawley Borough as contained within the Hawley Borough Stormwater Management Ordinance. This plan must be submitted to the Wayne Conservation District for review and comment. Upon review by the Wayne Conservation District the applicant shall submit the plan with all comments to the Hawley Borough Planning Commission.
- (8) Where the said subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the flood plain areas as shown on the Borough's flood plain maps provided by the Federal Emergency Management Agency. A minimum of an original plus six (6) copies of plans shall be submitted.
- (9) Such additional required supporting material for an addition or lot improvement, as may be applicable.

**§100-11 Major Subdivisions and Land Developments:**

Any subdivision or land development that is not classified as a minor subdivision or land development under § 100-10 shall be considered as a major subdivision or land development. For a major subdivision or land development: a sketch plan is optional and both a preliminary plan and a final plan are mandatory.

- A. Sketch Plan Procedures: Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Hawley Borough Planning Commission a sketch plat showing the information required in §§ B hereof. A sketch plan is informal and intended for discussion purposes only. The Hawley Borough Planning Commission will not formally by way of written correspondence communicate to the applicant regarding the submission and review of the sketch plan. Any comments and/or correspondence from the Borough regarding such submission shall not, in any way, constitute, nor be construed to be, a formal response to such submission and shall not be binding upon the Borough relevant to any formal submission at any later date. A sketch plan submission shall consist of a minimum of seven (7) copies of the letter of intent stating that it is only a sketch plan and a minimum of seven (7) copies of the plat. The submission shall be prepared and

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presented to the Hawley Borough Planning Commission in a minimum of seven (7) individual packages, each package must include all required information. The submission of a sketch plan shall not constitute an official submission of a plan to the Planning Commission and no formal action is mandated. The Planning Commission and applicant(s) may schedule a site visit in reviewing a Sketch Plan.

- B. Sketch Plat Specifications: The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and shall show or include the following:
- (1) Location map.
  - (2) The location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.
  - (3) All existing structures within the portion to be subdivided or developed.
  - (4) The name and address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - (5) All streets, streams, other major natural features and utilities associated with the tract of land.
  - (6) The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.
  - (7) Name of municipality and County in which tract is located.
  - (8) North arrow.
  - (9) Graphic scale.
  - (10) Date map was drawn.
- C. Preliminary Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the preliminary plat and the applicable number of copies of all supporting material as specified herein to the Hawley Borough Planning Commission. The submission shall be prepared and presented to the Hawley Borough Planning Commission in a minimum of seven (7) individual packages, each package must include all required information. Only original unaltered prints of the plat shall be accepted.
- (1) All applicable items listed in §§ D and §§ E shall be required for a complete submittal.
  - (2) The Hawley Borough Planning Commission shall review the preliminary plan to determine its conformance with the requirements and standards contained in this Ordinance. The Hawley Borough Planning Commission shall make a report of its recommendations to the Hawley Borough Council.
  - (3) All applications shall be submitted for consideration only at the regularly scheduled meeting of the Hawley Borough Planning Commission by the applicant or his formal designee.
  - (4) All applications for preliminary approval shall be acted upon by the Hawley Borough Council who shall render their decision and communicate it to the applicant not later than one-hundred and twenty (120) days following the date of the formal submission of the application to the Hawley Borough Planning Commission. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
  - (5) As mandated by the Municipalities Planning Code, all applications for subdivision and land

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development within Hawley Borough shall be forwarded upon receipt by the Hawley Borough Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant.

Hawley Borough shall not approve such application until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. The one (1) copy of the preliminary plan forwarded to the Department of Planning shall be retained in their files.

The Hawley Borough Planning Commission may also submit the plans for review to the Wayne Conservation District, the Lake Wallenpaupack Watershed Management District or any other agency or consultant which it deems necessary.

- (6) If the preliminary plan is approved, each copy of the plat shall be stamped, signed and dated. Three (3) copies shall be returned to the applicant. One (1) copy shall be retained by the Hawley Borough Council. One (1) copy shall be forwarded to DEP.
- (7) When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with terms of the approved preliminary application as hereinafter provided. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such preliminary approval was duly filed.
- (8) If an application is properly denied, any subsequent application shall be subject to any intervening changes in governing regulations.
- (9) Approval of the preliminary plan by the Hawley Borough Council constitutes approval of the subdivision or land development as to the character of the development, general layout, approximate dimension of streets and lots, and other planned features as required by this Ordinance.

The approval binds the applicant to the general scheme of the subdivision or land development shown and permits the applicant to proceed with the installation of site improvements, subject to obtaining work permits and plan approvals from utility companies, Federal and State agencies, Hawley Borough, and other agencies where required.

- (10) Approval of the preliminary plan does not authorize the development or initiation of an agreement of sale, sale of lots or the recording of the preliminary plat.
- (11) The approved preliminary plan shall be effective for five (5) years from the date of preliminary approval and the preliminary approval shall automatically expire at the conclusion of any five (5) year period unless the applicant shall have submitted an application for final approval.
- (12) If deemed necessary by either the Hawley Borough Planning Commission or The Hawley Borough Council, a public hearing may be scheduled for the purpose of receiving public input on the plan. The costs of same shall be borne by the applicant as set forth herein with respect to fees. Failure to hold a public hearing shall not invalidate a subdivision or land development

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approval nor shall the decision not to hold a public hearing be determined as an incomplete review of the plans on behalf of the Borough.

- (13) The Hawley Borough Planning Commission may require applicant(s) for conventional subdivisions to demonstrate the mandatory subdivision design process set forth in §100-25.L hereof for conservations subdivisions has been followed for such subdivision even though clustering per se is not proposed.
- D. Preliminary Plat Specifications: The preliminary plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11 " x 17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:
- (1) Location map.
  - (2) Tract, subdivision, or land development name, if any.
  - (3) Name and mailing address of present landowner.
  - (4) Name and mailing address of applicant, if different from landowner.
  - (5) Name of municipality and County in which tract is located.
  - (6) Tax map and parcel identification number of tract.
  - (7) Deed book and page identification number of tract.
  - (8) Boundaries of the tract and approximate location of abutting properties.
  - (9) The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - (10) Graphic scale.
  - (11) Reference meridian - North arrow indicating true, magnetic or other source.
  - (12) Date map was drawn and dates of all revisions.
  - (13) All existing and proposed lot lines, with approximate dimensions of straight lines, radii, arcs, and central angles of curved lines.
  - (14) Each lot identified by number and/or letter.
  - (15) Approximate area of each proposed lot.
  - (16) Approximate total area remaining in parent parcel, if any.
  - (17) The location of all existing streets, with information concerning right-of-way widths, types of street surfaces and street names.
  - (18) The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, waterlines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities and any other significant man-made or natural features on the tract to be subdivided or developed.

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- (19) The approximate location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.
  - (20) The approximate location, dimension and identification of building setback lines.
  - (21) Name, mailing address, signature and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.
  - (22) An area approximately 3 1/2"x5" shall be provided which shall be free of all writing and drawing, for use by Hawley Borough to stamp any approval.
  - (23) Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries shown.
  - (24) A site data table listing the following: total acreage; proposed number of lots; lineal feet of new streets; zoning districts; proposed water service facilities; proposed sewer service facilities.
  - (25) Any open space reserved.
  - (26) Proposed street lines, right-of-way lines, easements indicating dimensions and purpose including any limitations on their use.
  - (27) Names of proposed streets.
  - (28) Approximate location and dimensions of any proposed water, sanitary sewer, storm sewer and other utility lines.
  - (29) Contour lines, stating whether derived from a field survey or based on USGS topographic maps, with a maximum 20 foot interval, if found to be necessary by the Borough.
- E. Preliminary Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as a part of the preliminary plan:
- (1) A letter of intent, signed by the applicant, or his agent, including a statement that the application is for preliminary approval and clearly indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. A minimum of one (1) original and six (6) copies are required.
  - (2) The completed, appropriate portions of the Hawley Borough Subdivision and Land Development application which is in effect at the time of the submission.
  - (3) All applicable fees as required by this Ordinance.
  - (4) The completed appropriate components of the DEP "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). A minimum of the original plus six (6) copies of the planning modules, with attachments, shall be submitted.
    - (a) A minimum of seven (7) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as a revision to Hawley Borough's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program; or
    - (b) If the evidence in §§ (a) has not been submitted, any preliminary approval of a

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subdivision or land development shall be conditioned upon the approval of the Planning Module (s) for Land Development by Hawley Borough as a revision to the Borough's Official Plan and the approval of that revision by DEP. If Hawley Borough and/or DEP has disapproved or not granted these approvals within six (6) months of the date of preliminary approval, the preliminary approval shall automatically become null and void.

- (5) Streets shall conform to the requirements as set forth within the Hawley Borough Road Ordinance, in effect at the time of the submission.
- (6) Storm Water Management Facilities: A storm water management plan is required for all major subdivisions and land developments.
  - (a) The plan shall provide for the implementation, construction, and maintenance of such measures and devices consistent with the provisions of the applicable DEP regulations and/or the Hawley Borough Stormwater Management Ordinance, the contents of which are incorporated herein by reference thereto, as are reasonably necessary to prevent injury to health, safety, and property. Such measures and devices shall include such actions as are required to manage the quality, quantity, velocity, and direction of resulting storm water runoff in a manner which adequately protects health, safety, and property from possible injury.
  - (b) Drawings of existing and proposed facilities for storm water management, including grades, dimensions, materials, calculations, etc. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- (7) Water Service Facilities: The applicant shall provide evidence of the availability of water to each lot by complying with and providing the required information pertaining to one of the methods listed in the following subsections:
  - (a) When water service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central system, the applicant shall submit a letter from the owner or operator of the system which states that they can provide the subdivision or land development with water and lists the source of supply. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location of lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
  - (b) When water service to the proposed subdivision or land development is to be provided by a new public or private central system, the applicant shall supply a report specifying the following items: proposed source of water supply; a statement from the Delaware River Basin Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from DEP indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from the Pennsylvania Public Utility Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet.
  - (c) The applicant shall provide a statement specifying who will own the community water system and who shall be responsible and how that responsibility for the maintenance of the system will be provided. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. In addition, where applicable, detailed plans shall be submitted showing: water storage tanks, hydropneumatic tanks, water booster pumps, water treatment facilities including but not limited to disinfection

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facilities and all other major components of the system.

- (d) Where a Public Water Supply Permit is required from DEP, all the plans, specifications and Design Engineer's Report information required for the permit application submittal to DEP shall also be submitted to the Borough for review. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- (e) If the water service facilities to be provided are as described in §§ (a) or §§ (b) above, then the applicant shall include in the plans the following:
  - (i) The public water system referred to herein shall be capable of delivering at least two hundred fifty (250) gallons per minute for a period of two (2) hours, or five hundred (500) gallons per minute for one (1) hour for fire prevention plus consumption at the maximum daily rate with a minimum residual water pressure of twenty (20) PSI during flow. For water systems with 200 or more existing or proposed connections, the flow shall be at least five hundred (500) GPM for a period of two (2) hours, or one thousand (1,000) GPM for one (1) hour for fire prevention plus consumption at the minimum residual water pressure of twenty (20) PSI. Water flow for commercial buildings shall be based on the standards of the National Fire Prevention Association (NFPA) as applicable.
  - (ii) Fire hydrants required by this section shall conform to American Waterworks Association standards for dry barrel fire hydrants (AWWA C502). Hydrants shall have at least two (2) outlets: one outlet shall be a 4 1/2 inch pumper outlet and one shall be at least 2 1/2 inch nominal size. Hose threads on outlets shall conform to National Standards dimensions. Hydrants shall have 6 inch or larger connections to mains with a minimum of five inch valve opening. Hydrant spacing of 600 feet shall be measured as hose can be laid by fire apparatus at the designation of the fire chief. A valve shall be provided on connections between hydrants and street mains. The location of such hydrants or valves shall be selected and maintained so as to provide year round access by fire company personnel. The adoption of a maintenance and inspection schedule for fire hydrants as defined within the Borough Fire Prevention Ordinance in effect at the time of submission shall be completed by the applicant.
  - (iii) Water mains shall be at least six (6) inches in diameter arranged so that they form a good gridiron in all areas of the distribution system. Where long lengths of pipe are necessary, eight (8) inch or larger mains shall also be used: Eight (8) inch or larger mains shall also be used where dead end and/or poor gridiron are likely to exist for a considerable period or where the layout of the streets and the topography are not well adapted to a good gridiron. The increase in main size provided for herein is and shall be determined solely by the Borough or its engineer or appropriate consultant.
  - (iv) If water is to be provided as part of the subdivision, land development, or any related project filed hereunder, by means other than private wells owned and maintained by the individual owners of the lots within the subdivision or land development, applicants shall present evidence to Hawley Borough, initially to the Hawley Borough Planning Commission and then to the Hawley Borough Council, that the subdivision or land development is to be supplied by a certified public utility, a bona fide co-operative association of lot owners, or a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a co-operative agreement or a commitment or agreement to serve the area in

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question, whichever is appropriate shall be acceptable evidence hereof and shall be submitted with the preliminary application made under the Ordinance.

- (c) When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot water supply systems may be utilized.
  - (d) Where the applicant proposes water service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
  - (e) Notwithstanding anything herein to the contrary, it is and shall be prohibited to service more than two (2) residences, dwellings, buildings or structures with one on-site water system or to construct, build or maintain more than one on-site water system on any single lot; provided, however, an applicant shall comply with any and all conditions imposed by the Borough.
  - (f) The Borough shall have the authority to require the applicant to provide a report prepared by a hydro-geologist. The report shall verify the availability of a adequate water supply to serve the proposed subdivision or land development as well as the impact of said development on the existing water supply.
- (8) The applicant shall submit a letter from the sewer authority stating it will accept the sewage flows generated by the proposed subdivision or land development. Plans and profiles of the proposed sewerage system shall be submitted showing: materials; pipe sizes; location of manholes; accurate grades, dimensions, and depths, and other pertinent information. In addition, where applicable, detailed plans shall be submitted showing: sewage treatment plant, sewage pump stations and all other major components of the system. Where a Water Quality Management Part 2 Permit is required from DEP, all the plans, specifications and Design Engineer's Report information required for the permit application submittal to DEP shall also be submitted to the Borough for review. The requirements found in this Subsection are intended to be in addition to the sewage planning requirements. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- (9) A minimum of seven (7) copies of a letter from the electric utility company in whose service area the subdivision or land development is located stating that they will provide electric service to this subdivision or land development.
- (10) A minimum of seven (7) copies of a letter from the telephone company in whose service area the subdivision or land development is located stating that they will provide telephone service to this subdivision or land development.
- (11) If gas service is proposed by the applicant for this subdivision or land development, a minimum of seven (7) copies of a letter from the gas company in whose service area the subdivision or land development is located stating that they will provide gas service to this subdivision or land development.
- (12) If cable television service is proposed by the applicant for this subdivision or land development, a minimum of seven (7) copies of a letter from the cable television company in whose service area the subdivision or land development is located stating that they will provide cable television service to this subdivision or land development.
- (13) Property Owners Association: In all major subdivisions and land developments, the applicant shall submit a plan for the establishment of a Property Owners Association (POA).



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- (a) The plan shall provide a time frame of and/or for implementation of the POA, membership requirements, dues structure, assessment powers and obligations and a structure of any additional fees. Additionally, the applicant shall provide a copy of any and all by-laws, and all rules and regulations, and any and all proposed covenants, conditions and restrictions applicable to said project. In the event the application indicates no need for a POA, this provision may be eliminated at the sole and exclusive discretion of the Borough of Hawley.
- (b) The aforementioned covenants, conditions and restrictions shall be presented in a final recordable format with an indication as to whether the covenants, conditions and restrictions will be recorded in a blanket format or recorded with each and every deed conveying property within the project.
- (c) The applicant shall also provide a tentative budget for maintenance, repair and improvement for said amenities and a tentative schedule of annual dues and/or assessments.
- (d) The applicant shall also provide a draft of the deed proposed to be used for granting and conveying property within the development. Said deed shall include either a reference to the previously recorded covenants, conditions and restrictions or shall refer to the covenants, conditions and restrictions under which the subject property is conveyed, including the same in each deed. In the case of the former, the applicant shall include a provision in the deed indicating that a copy of said covenants, conditions and restrictions have been provided to the grantee.
- (e) The covenants, conditions and restrictions shall also set forth the requirements for the establishment of the POA, a time table for the implementation of same, and mandatory membership in the POA by any and all owners of property within the subject development.
- (f) In the event the applicant proposes to phase in the implementation of a POA after a stated portion of or all of the lots are conveyed within the development, the applicant, in addition to any and all requirements included either under this section or under this Ordinance in general, shall submit a plan addressing maintenance, repair and/or improvement of any and all amenities within the development for the period of time between initial conveyances and before conveyance of the development amenities to the POA.
- (g) Any and all plans regarding establishment of a POA shall provide, to the sole and exclusive satisfaction of the Borough, the formational timetable of the POA and a meaningful procedure involving a turn over of amenities from the applicant to the POA.
- (h) Any and all proposed amenities shall either be constructed and/or appropriately bonded pursuant to the remaining provisions of this Ordinance prior to the initial conveyance of any parcels within the subject property.
- (i) The Borough, either directly, or through the Borough Engineer, shall have the right to inspect any and all amenities prior to granting final approval and/or, if bonded, prior to initial conveyance.
- (j) The Borough shall have the right to either withhold approval until any and/all requirements have been met regarding the same or require that the applicant post a performance bond guaranteeing the creation, construction, and/or completion of said amenities. Any and all bonds required hereunder shall be subject to the review of the Borough Solicitor and the approval by the Borough Council.

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- (k) In the event that the applicant is unable to demonstrate, solely and exclusively in the eyes of the Borough, that the proposed POA will be organized and/or that there is a POA that will be responsible for the maintenance, repair, improvements and/or amenities, the Borough may elect to require that the applicant post a performance and/or maintenance bond guaranteeing either the creation of the POA and/or maintenance, repair, upkeep and improvement of any and all streets, improvements, and/or amenities until the same are accepted by the POA. Any and all bonds required hereunder shall be subject to the review of the Borough Solicitor and the approval by the Borough Council.
  - (m) The Borough, at its sole and exclusive discretion, specifically reserves the right to enforce the covenants, conditions and/or restrictions which are filed in accordance herewith and to proceed with any litigation it may deem necessary. Notwithstanding this provision, the Borough shall not be required to enforce the same.
- (14) If the applicant proposes to dedicate all or some portion of the amenities and/or facilities to Hawley Borough at some future date, the applicant shall submit a narrative description of how responsibility for maintenance and care of those amenities and/or facilities shall be handled during the period before the offer of dedication to the local municipality. In no case shall Hawley Borough be bound to accept a dedication of such amenities.
- (15) A plan from the applicant indicating how they intend to implement and maintain erosion and sedimentation control measures to comply with the requirements of the Pennsylvania Code, Title 25 Environmental Protection, Chapter 102 Erosion Control, requirements as set forth by the Wayne Conservation District and Hawley Borough as contained within the Hawley Borough Stormwater Management Ordinance. This plan must be submitted to the Wayne Conservation District for review and comment. Upon review by the Wayne Conservation District the applicant shall submit the plan with all comments to the Hawley Borough Planning Commission.
- (16) Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on Hawley Borough's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with the Borough's flood plain management regulations, if any. A minimum of seven (7) copies of plans shall be submitted.
- (17) Hawley Borough may require the public dedication of lands suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination, for park or recreational purposes as a condition precedent to final plan approval. The applicant shall provide to the Borough a plan identifying the amount and location of land to be dedicated for use as park and recreational facilities, detailed drawing of the specific facilities, a narrative describing the maintenance responsibility, replacement construction as well as a fee schedule identifying cost associated with the use of the park and recreational facility by the property owner.
- F. Final Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the final plat and the applicable number of copies of all supporting material as specified herein to the Hawley Borough Planning Commission. The submission shall be prepared and presented to the Hawley Borough Planning Commission in a minimum of seven (7) individual packages, each package must include all required information. Only original unaltered prints of the plat shall be accepted. Such submission shall be made by the applicant and acted upon by the Borough Planning Commission within five (5)

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years from the date of preliminary approval. Failure of the applicant to submit the final plan within this period of time shall make the approval of the preliminary plan null and void. The Hawley Borough Council may extend this time limit at their discretion upon receipt of a written request from the applicant prior to the expiration of the time limit, describing in detail the reasons for the necessity of this extension of time.

- (1) No major subdivision or land development, or portion thereof, shall be considered for final approval unless it has a valid preliminary approval in effect.
- (2) Application for final approval may be submitted in sections or stages of development involving portions of the approved preliminary plan if so desired by the applicant. However, such piece meal shall not extend beyond the five (5) year preapproval deadline unless specifically authorized by the Borough. The Hawley Borough Council shall review the application and determine what, if any, requirement or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development. In determining these requirements or guarantees, the Hawley Borough Council shall insure that each section or stage shall relate logically and provide continuity of access, extension of utilities, and availability of amenities and services. The requirements or guarantees as determined shall become a part of the requirements of this Ordinance which shall be met by the applicant prior to the granting of final approval by the Hawley Borough Council and shall carry the same weight as if they had been incorporated into the Ordinance at the time of adoption.
- (3) The final plan shall conform to the approved preliminary plan. Where, in the opinion of the Hawley Borough Council, there have been significant modifications or changes to the approved preliminary plan, final approval shall be denied and the applicant shall be required to resubmit the subdivision or land development for preliminary approval.
- (4) All applicable items listed in §§ G and §§ H shall be required for a complete submittal.
- (5) The Hawley Borough Planning Commission shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Hawley Borough Planning Commission shall make a report of its recommendations to the Borough Council.
- (6) All applications shall be submitted for consideration only at the regularly scheduled meeting of the Hawley Borough Planning Commission by the applicant or his formal designee.
- (7) All applications for final approval shall be acted upon by the Hawley Borough Council who shall render their decision and communicate it to the applicant not later than one-hundred-twenty (120) days following the date of the formal submission of the application to the Hawley Borough Planning Commission. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- (8) As mandated by the Municipalities Planning Code, all applications for subdivision and land development within Hawley Borough shall be forwarded upon receipt by the Hawley Borough Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Hawley Borough shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- (9) If the final plan is approved, each plat shall be stamped and signed. Three (3) copies shall be returned to the applicant.

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- (10) The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat contains the official seal of Hawley Borough and has a minimum of two (2) Hawley Borough Council' signatures.
  - (11) The completion of improvements or posting of a suitable guarantee thereof as set forth in §100-12 is a prerequisite to final approval.
- G. Final Plat Specifications: The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x 3' and not less than 11 " x 17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:
- (1) Location map.
  - (2) Tract, subdivision, or land development name, if any.
  - (3) Name and mailing address of present landowner.
  - (4) Name and mailing address of applicant, if different from landowner
  - (5) Name of municipality and County in which tract is located.
  - (6) Tax map and parcel identification number of tract.
  - (7) Deed book and page identification number of tract.
  - (8) Boundaries of the tract and approximate location of abutting properties.
  - (9) The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - (10) Graphic scale.
  - (11) Reference meridian - North arrow indicating true, magnetic, or other source.
  - (12) Date map was drawn and dates of all revisions.
  - (13) All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.
  - (14) Each lot identified by number and/or letter.
  - (15) Area of each proposed lot.
  - (16) Total area remaining in parent parcel, if any.
  - (17) The location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.
  - (18) The location and identification of all existing and proposed man-made or natural features, including but not limited to; bodies of water, water courses with direction of flow, wetlands buildings, drain pipes, culverts, sewer lines, sewage systems, water lines, water wells, oil

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wells, gas wells, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.

- (19) The location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.
  - (20) The location, dimension, and identification of building setback lines.
  - (21) Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.
  - (22) An area approximately 5"x5" shall be provided which shall be free of all writing and drawing, for use by Hawley Borough Council to stamp any approval.
  - (23) Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries shown.
  - (24) A site data table listing the following: total acreage; number of lots; lineal feet of new streets; zoning districts; water service facilities; sewer service facilities.
  - (25) Any open space reserved.
  - (26) New street lines, right-of-way lines, and easements indicating dimensions, purposes, and any limitations on their use.
  - (27) Names of new streets.
  - (28) Location of any new water, sanitary sewer, and storm sewer lines.
  - (29) Proposed use of each lot if other than single-family residential.
  - (30) Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
  - (31) Name, mailing address, certification by stamp or seal, and signature of professional land surveyor who certified the map and survey. Each print shall be individually signed and sealed or stamped by the professional land surveyor.
  - (32) A note on the plat indicating the status of and need for any highway occupancy permits.
- H. Final Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as part of the final plan:
- (1) A letter of intent, signed by the applicant, or his agent, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. A minimum of one (1) original and six (6) copies are required.
  - (2) The completed, appropriate portions of the Hawley Borough Subdivision and Land Development application which is in effect at the time of the submission.
  - (3) All applicable fees as required by this Ordinance.
  - (4) A minimum of seven (7) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as a revision to the Borough's

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Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program.

- (5) Streets shall conform to the requirements as set forth within the Hawley Borough Road Ordinance, in effect at the time of submission. In addition the applicant shall submit final as-built drawings of the cross-sections and profile of the streets.
- (6) Storm Water Management Facilities:
  - (a) If the storm water management facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.
  - (b) In lieu of the completion of the construction of the storm water management facilities, the applicant shall provide a financial security in accordance with the provisions as set forth herein with respect to improvement guarantees.
- (7) Water Service Facilities:
  - (a) If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit and the water service facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.
  - (b) If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit, in lieu of the completion of the construction of the water service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth herein with respect to improvement guarantees.
- (8) Sewer Service Facilities
  - (a) If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit and the sewer service facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.
  - (b) If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit, in lieu of the completion of the construction of the sewer service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth herein.
- (9) Electric, Telephone, Gas and Cable Television Service Facilities:
  - (a) If the electric, telephone, gas and cable television service facilities have been improved or installed as required by, and in accordance with this Ordinance, the electric, telephone, gas and cable television service utility company's requirements, and the pertinent laws and regulations of the Commonwealth; a minimum of seven (7) copies of the final as-built drawings of the electric service facilities shall be submitted, one (1) of which shall be returned to the applicant.
  - (b) If the electric, telephone, gas and cable television service facilities have not been

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constructed, improved or installed, a minimum of seven (7) copies of an approved plan from the electric, telephone, gas and cable television service utility company shall be submitted.

- (c) If electric, telephone, gas and cable television service facilities are to be improved or installed, in lieu of the completion of the electric service facilities the applicant shall provide a financial security in accordance with the provisions as set forth herein with respect to improvement guarantees.

**§100-12 Improvements and Improvement Guarantees:**

Physical improvements to the proposed subdivision or land development shall be provided, constructed, installed or guaranteed by the applicant. All improvements shall be constructed in accordance with the design specifications of this Ordinance or, as applicable, those of the Pennsylvania Department of Transportation, DEP or such other Federal, State, County or local agency having jurisdiction.

- A. All minor subdivisions or land developments shall be required to have installed lot corner and/or line markers and wooden stake witnesses.
- B. All major subdivisions or land developments shall be required to have installed or guaranteed the following as a minimum:
  - (1) Lot corner and/or line markers and wooden stake witnesses.
  - (2) Erosion and sedimentation control measures, facilities, and restoration work.
  - (3) Storm water management facilities.
  - (4) Flood plain management measures, if any required.
  - (5) All grading, excavation, and filling.
  - (6) Streets: including sub-base, shoulders, ditches, culverts, base course, surface course and grading.
  - (9) Street signs.
  - (10) Utilities.
  - (11) Fire hydrants, if any required.
  - (12) Bridges, if any required.
  - (13) Sidewalks and curbs, if any required.
  - (14) Recreation facilities and community buildings, if any.
- C. Improvement Guarantees:
  - (1) No plat shall be finally approved unless the streets and other improvements required herein have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the applicant shall deposit with Hawley Borough a financial security to cover the costs of the improvements.
  - (2) When requested by the developer, in order to facilitate financing, the Hawley Borough Council,

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shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Hawley Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing.

- (3) Without limitation as to other types of acceptable financial security Hawley Borough may approve, which approval shall not be unreasonably withheld, irrevocable letters of credit and restrictive or escrow accounts in Federal or Commonwealth chartered lending institutions.
- (4) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- (5) Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the subdivision or land development plat for completion of such improvements subject to review by the Borough Engineer.
- (6) The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to Hawley Borough of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- (7) In the case where subdivision or land development is projected over a period of years, Hawley Borough may authorize submission of final plats by section or stages of subdivision or land development subject to such requirements or guarantees as to improvements in future section or stages of subdivision or land development as it finds essential for the protection of any finally approved section of the subdivision or land development.
- (8) As the work of installing the required improvements proceeds, the party posting the financial security may require Hawley Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to Hawley Borough, and Hawley Borough shall have forty-five (45) days from receipt of such request within which to allow the Hawley Borough Engineer to certify, in writing, to Hawley Borough that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification Hawley Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Hawley Borough Engineer fairly representing the value of the improvements completed or, if Hawley Borough fails to act within said forty-five (45) day period, Hawley Borough shall be deemed to have approved the release of funds as requested. Hawley Borough may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.



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- (9) Where Hawley Borough accepts dedication of all or some of the required improvements following completion, Hawley Borough may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedications. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.
- (10) 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 Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- (11) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvements of the streets or roads providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

**D. Release from Improvement Bond:**

- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Hawley Borough, in writing, by certified mail or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Hawley Borough Engineer. The Borough shall, within ten (10) days after receipt of such notice, direct and authorize the Hawley Borough Engineer to inspect all of the aforesaid improvements. The Hawley Borough Engineer shall, thereupon, file a report, in writing, with Hawley Borough, and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Hawley Borough Engineer of the aforesaid authorization from Hawley Borough; 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 Hawley Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- (2) Hawley Borough shall notify the applicant, within fifteen (15) days of receipt of the Borough Engineer's report, in writing by certified or registered mail of the action of Hawley Borough with relation thereto.
- (3) If Hawley Borough or the Hawley Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

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- (4) If any portion of the said improvements shall not be approved or shall be rejected by Hawley Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure or notification, as outlined herein, shall be followed.
- (5) Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise, any determination of Hawley Borough or the Hawley Borough Engineer.
- (6) Where herein reference is made to the Hawley Borough Engineer, he shall be a duly registered professional engineer employed by Hawley Borough or engaged as a consultant thereto.
- (7) Hawley Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursements shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
  - (a) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
  - (b) If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary, and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (d) In the event that the Borough and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas, 22nd Judicial District (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.
  - (e) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

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- E. Remedies To Effect Completion of Improvements: In the event any improvements that may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, Hawley Borough is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Hawley Borough 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 applicant, or both, shall be used solely for the installation of the improvements covered by such security, and for cost incurred by the Borough in recovering the security, and not for any other municipal purpose.

**§100-13 Special Approvals and Procedures:**

- A. General: Where provisions of this Article differ from or are not addressed in other articles of this Ordinance, the provisions of this Article shall apply. All special approvals shall be subject to the provisions of other articles of this Ordinance.
- B. Conditional Approval:
- (1) The Hawley Borough Council may decide when considering an application to offer the applicant a conditional approval. If the Hawley Borough Council decide to make such an offer to the applicant, the Hawley Borough Council shall specify in writing to the applicant the conditions and the time within which he may accept the same.
  - (2) After the notice required above has been sent to the applicant, a conditional approval shall be granted within the time specified by said notice if:
    - (a) Both the Hawley Borough Council and the applicant or his formal designee enter into a written agreement which conforms with the provisions of §§ (3) below; and
    - (b) Said written agreement is filed with the Hawley Borough Council within a time period established by the Hawley Borough Council; and
    - (c) No condition specified in the agreement shall in any way negate or vary the requirements of this Ordinance or any other ordinances as they shall pertain to the application.
  - (3) The agreement between the applicant and the Hawley Borough Council shall contain the following information:
    - (a) Statement of conditions.
    - (b) A time period established by the Hawley Borough Council in which the applicant must agree to the conditions of approval.
    - (c) Signatures required include those of the applicant, the Chairperson of the Hawley Borough Council and a witness.
    - (d) The Hawley Borough Council shall determine a time period in which the applicant must complete the conditions as set forth with the approval. Failure to complete the conditions within the time frame established by the Hawley Borough Council without requesting and receiving an extension of time will result in an automatic revocation of approval.

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C. Additions, Lot Improvements, Lot Line Changes and Consolidations:

- (1) Lot additions, improvements, lot line changes and consolidations shall be considered as a minor subdivisions or land developments.
- (2) Required supporting material for an addition or lot improvement:
  - (a) A letter of intent, signed by the applicant, or his agent, including a statement the application is for a lot addition, improvement, lot line change or consolidation.
  - (b) The applicant shall submit copies of the proposed deed language with all applications. Two (2) deeds shall be recorded after approval of the plat. The first deed will include the acreage being conveyed as an addition or lot improvement to the parent parcel of the grantee. The second deed will describe the parent parcel and the addition or lot improvement as one (1) lot. The applicant agrees that the newly consolidated parcels shall not be further subdivided without the approval of the Hawley Borough Council.
  - (c) No planning module shall be required so long as any remaining lots have existing septic systems. In the event any remaining lot does not have an existing septic system, a planning module shall be required.
  - (d) The Borough Council may require, as a condition of approval, that use of the reconfigured lots be restricted to currently permitted uses under the Hawley Borough Zoning Ordinance. The subdivision map and deed of conveyance shall, in such instances, clearly note such restriction. In addition the applicant shall agree any original development easements, right-of-ways or setbacks in existence prior to the reconfiguration shall not be affected by lot consolidation per se, any such changes requiring specific approval. Any re-configured lots shall comply with minimum standards of the Hawley Borough Zoning Ordinance, provided land may be re-allocated among or between legally existing non-conforming lots of record where the Borough Council, in its sole discretion, determines the reconfiguration improves the usability of both lots.
  - (e) A map depicting the grantor's remaining property in relationship to the newly created lot addition or lot improvement shall be submitted.

D. Re-approval:

- (1) A re-approval may be granted by the Hawley Borough Council.
- (2) The following supporting material shall be required for a re-approval:
  - (a) A letter of intent, signed by the applicant, or his agent, including a statement that the application is for re-approval. The letter shall also contain a statement indicating that the submission for re-approval has not been altered in any way from the original submission that had been previously approved.
  - (b) No planning module shall be required so long as the lot or lots originally approved have existing septic systems. In the event that the lot or lots originally approved do not have an existing septic system, a planning module shall be required.

E. Lot of Record: Acknowledgement of lot of record status may be granted by the Hawley Borough Council without further review, where an applicant has so requested and provided documentary evidence the parcel in question is, in fact, a legal lot of record requiring no further approval hereunder.

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**§100-14 Fees:**

- A. General: To defray a portion of the expenses involved in reviewing applications, the following fees shall be paid by the applicant at the times specified. Fees shall be a part of the application and shall be submitted along with the other required supporting materials. No plans shall be approved unless all fees have been paid in full. Checks shall be made payable to Hawley Borough. Said fees shall be paid pursuant to the fee schedule adopted by the Hawley Borough Council in effect at the time of the submission.
- B. Review Fees: For any subdivision or land development, the applicant shall pay the entire bona fide costs incurred by Hawley Borough for the work required of the Hawley Borough Engineer, or other consultants in reviewing and inspecting the required improvements and the plans. Five hundred dollars (\$500.00) or 3% of the cost of required improvements, whichever is larger, shall be submitted as a deposit at the time application for preliminary approval is made. The review fee shall be used by Hawley Borough to pay for the services of the Hawley Borough consultants designated to review and inspect the required improvements. The cost of required improvements shall be established by submission to Hawley Borough of bona fide bid or bids from the contractor or contractors chosen by the applicant.
- (1) If the amount of money submitted for the review fee is not sufficient to cover the bona fide cost incurred by the Hawley Borough Engineer, or other consultants, in the performance of their review and inspection, including costs which may have been incurred during the preliminary plan approval, the applicant shall submit such additional fee as shall be required to cover these bona fide costs in their entirety. Prior to any action the Borough reserves the right to deny a request for preliminary plan approval if any fees remain unpaid at the time action is required of the Borough. Unless otherwise addressed herein, all current and anticipated review fees shall be paid by the applicant upon submission of the final plan. Hawley Borough shall have the power to recover the difference between the bona fide costs and the fee submitted by appropriate legal and equitable remedies.
  - (2) Upon initial review by Hawley Borough's designated review consultant or engineer, the applicant shall be presented with a bill in writing from the Borough charged against the initial review fee.
  - (3) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify Hawley Borough that such fees are disputed, in which case Hawley Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request for disputed fees.
  - (4) In the event Hawley Borough and the applicant cannot agree on the amount of the review fee or fees that are reasonable and necessary, then the applicant and Hawley Borough shall follow the procedure for dispute resolution as set forth in the Pennsylvania Municipalities Planning Code, Section 510(9).
- C. Review and Report Fees:
- (1) For applications whether preliminary or final, for a subdivision or land development, a fee shall be paid to the County as provided in the County's fee schedule: The fee shall be paid by the applicant and will be forwarded by Hawley Borough to the Wayne County Department of Planning to cover the costs of the review and report required by Section 502 of the Pennsylvania Municipalities Planning Code. Checks shall be made payable to the Wayne County Department of Planning.
  - (2) If the Hawley Borough Planning Commission or the Hawley Borough Council schedules a

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public hearing to receive input on a specific subdivision, land development or modification request the applicant shall pay the cost for the hearing as described within the Hawley Borough Fee Schedule which is established by resolution on an annual basis. The said payment to be made to the Hawley Borough Council at least fifteen (15) days prior to the scheduled hearing.

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**ARTICLE IV  
DESIGN STANDARDS**

The following standards shall be applicable to the design of all subdivision and land developments in Hawley Borough, Wayne County. The standards and requirements contained in this Article are intended as minimums for the promotion and protection of the public health, safety, and general welfare.

**§100-15 Lots:**

- A. Unless particular circumstances of the property make it impractical, side lot lines shall be at right angles to straight street lines and on radial lines to curved street lines.
- B. All lots shall front on, and have direct access to, an existing public or private street or a proposed street which meets the requirements of the Hawley Borough Road Ordinance.
- C. Unless particular circumstances of the property make it impractical, lot lines shall follow Borough boundaries rather than cross them, in order to avoid jurisdictional problems.
- D. All new building lots shall comply with the minimum requirements of the Hawley Borough Zoning Ordinance, provided that exceptions may be granted for special purpose lots intended for utility use or for similar purposes.

**§100-16 Streets:**

- A. All streets shall be constructed according to the standards of the Hawley Borough Street Ordinance in effect at the time of submission, provided the Borough may waive surfacing requirements for private streets. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
- B. Commercial Access Roads or Streets:
  - (1) Commercial access roads or streets that front on a Borough road shall be constructed to the standards of the Hawley Borough Street Ordinance, in effect at the time of submission.
  - (2) Commercial access roads or streets that front on a State road shall be constructed to the standards as defined by the Pennsylvania Department of Transportation. The applicant must obtain the required driveway permit from the Pennsylvania Department of Transportation in such cases. Where the Pennsylvania Department of Transportation standards are not applied to the entire length of the commercial access road or street, Borough standards shall apply.
  - (3) All commercial access roads or streets shall be paved.
- C. Street signs shall be required and constructed to the standards of the Hawley Borough Road Ordinance and Hawley Borough Zoning Ordinance, in effect at the time of submission.

**§100-17 Utilities:**

- A. Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water, and/or other utility lines intended to service abutting lots. Utility companies shall be consulted by the applicant when locating utility easements. The requirements of the utility company shall serve as the minimum standards.
- B. Pennsylvania Public Utility Commission orders regulating underground and overhead electrical distribution shall be complied with by the applicant.

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**§100-18 Survey Markers:**

- A. Survey markers shall be established or located at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plat.
- B. Survey markers shall be made of iron pipe, iron or steel bars, concrete, stone, or other similar durable material. Wooden stakes or other similar less durable material shall be prohibited.
- C. A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

**§100-19 Drainage Easements:**

- A. Drainage along and across streets shall be designed so as to meet the requirements of the Hawley Borough Road Ordinance, in effect at the time of submission, as well as the storm water management requirements of Hawley Borough and §100-23 hereof.
- B. Drainage easements, where provided, shall be depicted on subdivision and land development plans submitted for approval hereunder.

**§100-20 Sewage Disposal:**

- A. All subdivision and land developments shall be required to have provisions for disposal of sewage and all other waste water. The applicant shall provide for the most effective type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions.
- B. The applicant shall comply with all applicable DEP and Borough regulations for inclusion of the proposed subdivision or land development in Hawley Borough's Official Wastewater Facilities Plan.
- C. If the applicant proposes to construct or connect to a public or private collection and treatment system, the system shall be designed in accordance with specifications of the Commonwealth of Pennsylvania. Department of Environmental Protection.
- D. If the applicant proposes that individual on-lot sewage systems will be used, the requirements of DEP and Hawley Borough governing the location and design of such systems shall be followed.
- E. Approval of a subdivision or land development proposing the use of on-lot sewage disposal shall in no way indicate or guarantee approval of any on-lot disposal system.
- F. If the applicant proposes a community subsurface sewage disposal system as the means of treating and disposing of sewage, disposal areas shall be on separate sewage disposal lot(s) meeting State design requirements.

**§100-21 Water Supply:**

If the applicant proposes to construct or connect to a public or private water supply and distribution system, the system shall be designed in accordance with Federal and State standards and Borough specifications contained herein. The system shall be designed to meet accepted engineering practices in cases where regulations do not apply.



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**§100-22 Erosion and Sedimentation Control:**

- A. The erosion and sedimentation control plan, control measures, facilities, and restoration work shall comply with DEP rules and regulations, as well as requirements set forth by the Wayne Conservation District.
- B. The applicant shall comply with erosion and sedimentation standards of the Hawley Borough Stormwater Management Ordinance.
- C. If the earthmoving activity proposed requires the obtaining of a DEP erosion and sedimentation control permit, the DEP rules and regulations governing the issuance of permits shall be followed.

**§100-23 Storm Water Management:**

- A. Storm water runoff shall be computed using the methods of calculation of runoff flow parameters as described within the Hawley Borough Stormwater Management Ordinance, in effect at the time of submission.
- B. Storm water management plans shall be drawn to the specifications and requirements of State, County, and/or Borough regulations in effect at the time of submission, including, but not limited to, the Hawley Borough Storm Water Management Ordinance.
- C. Storm sewers, culverts, and related facilities shall be provided in order to permit unimpeded flow of natural water courses, insure adequate drainage of all low points and areas along streets, and intercept water runoff along streets at intervals that are properly related to the extent and grade of the area drained.
- D. Measures shall be implemented to assure that the maximum rate of storm water runoff is no greater after subdivision and land development than prior to subdivision and land development activities; or, manage the quality, quantity, velocity, and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.
- E. The applicant shall be responsible to pay all fees associated with the review, approval and inspection process as defined within the Stormwater Management Ordinance as it relates to the enforcement of the Borough of Hawley's Stormwater Management Ordinance, in effect at the time of submission.

**§100-24 Flood Plain Management:**

- A. All subdivisions and land developments shall comply with the provisions of State, County, and the Hawley Borough Flood Plain Management Regulations.
- B. Each subdivision lot or land development site within designated one- hundred (100) year flood plains shall be provided with a safe building lot or site with adequate access. Public facilities which serve such lots or sites shall be designed and installed to preclude flood damage.
- C. Where not prohibited by this or any other codes or ordinances, land located in designated one- hundred (100) year flood plains may be subdivided or developed with the provision that the applicant construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such subdivision or land development.
- D. The finished elevation or proposed streets within designated one-hundred (100) year flood plains shall be no more than 1 foot below the one-hundred (100) year flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- E. All new or replacement sewer service facilities, water service facilities, and utilities, whether public or

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private, located in designated one-hundred (100) year flood plains, shall be flood-proofed up to a point 1 1/2 feet above the one-hundred (100) year flood elevation.

**§100-25 Conservation Subdivisions:**

A conservation subdivision is one where lots or dwelling units are clustered closer together on a tract with the specific objective of creating large usable sections of open space on the remainder of the property (see illustration to right). Conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. The following regulations shall apply to such development:



- A. This section shall permit reductions in lot sizes and other changes in bulk requirements required to accommodate conservation subdivisions, which shall be allowed anywhere within Hawley Borough.
- B. The Borough Council may approve conservation subdivisions, as a form of development, where the requirements of this section are met.
- C. Conservation subdivisions shall ordinarily include at least five lots and 10 acres of contiguous land but the Borough Council may require conservation subdivision design practices to protect particularly valuable open spaces. The Township Board of Supervisors shall have the authority to require application of sub-section L hereof, for any subdivision of 10 lots or more, depicting how the property might be developed using this technique. No less than 40% of the gross acreage of any conservation subdivision shall be composed of open space.
- D. The Borough Council shall be authorized to modify development standards as provided below where 40% or more of the tract is preserved as open space and conservation subdivision is proposed, provided the maximum density authorized by the Hawley Borough Zoning Ordinance is not exceeded. Such density shall be determined using a yield plan based upon a conventional subdivision with all lot sizes meeting the minimums set forth for the district in question under the Hawley Borough Zoning Ordinance.
- E. Single-family detached and two-family (at the same dwelling units per acre) dwellings may be employed in this concept. Other development types may also be employed as part of a mixed-use development.
- F. Development standards for streets, lot size, lot width, lot coverage and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than 7,500 square feet of land. Yard requirements may also be reduced, but in no instance to less than 40 feet for the front yard and 20 feet for the side and rear yards. Notwithstanding these yard requirements, however, all principal structures shall be separated by a distance of at least 40 feet.
- G. No individual parcel of common open space shall be less than one acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No more than 50% of the permanent open space may consist of wetlands, floodplains, slopes of 25% or more, water bodies and other undevelopable areas unless incorporated into the open space in such a manner as to make substantial practical use of these areas for trails, other active recreational uses (e.g. ballfields and golf courses) or similar development features, including

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use for storm water and sewage treatment. Such determination shall, however, be solely in the discretion of the Borough Council. The Borough Council may also require open space linkages with adjoining properties, set-asides of active recreation area for residents and fronting of up to 50% of lots on open spaces. Open spaces within a property shall be contiguous with residential lots and linked to each other and public rights-of-way wherever possible to facilitate common use by the residents of the development.

- H. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement. The easement shall be titled to a property owner's association (POA), land trust, municipality (if accepted by the governing body) or other public entity and placed under such management as to ensure the perpetual maintenance of the open space in its generally existing condition. Such land may be used for any open space purpose approved by the Borough Council, including farming, active or passive recreational use and similar activities that will effectively preserve open spaces and the existing landscape character, prior to the sale of any lots or dwelling units within the subdivision. Private, deed-restricted ownership for use in open spaces or agriculture may also be approved at the discretion of the Borough Council. The Borough Council must approve the form of all conservation easements and may require the Borough be designated therein as a party with rights to enforce such agreement.
- I. Membership in any POA to which open space is to be dedicated shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Should requirements of Federal or Pennsylvania law differ from these provisions, the higher standards shall apply.
- J. Wells and sewage treatment systems of either an individual or central nature as defined herein may be located within or extend into open space areas provided that infrastructure associated with such systems shall not count toward open space requirements and further provided that subsurface sewage disposal methods are employed, all required isolation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer and water facilities on a continuing basis.
- K. The POA shall be responsible for maintenance of all improvements including not only roads, utilities and recreation facilities, but also storm water management improvements as required herein or by other Borough or State regulations.
- L. The following process shall be followed in preparing a conservation subdivision plan once the applicant or Borough Council has determined, from a Sketch Plan submission, that this is the form of development for the property in question. This process shall be in addition to normally applicable subdivision procedures.
  - (1) The applicant shall submit an existing resources and site analysis map giving a comprehensive analysis of existing conditions on the proposed development site. It shall include:
    - (a) Topography at contour intervals of no less than five feet. Slopes of 15-25% and exceeding 25% shall be clearly indicated.
    - (b) The location and delineation of ponds, streams, ditches, vernal pools, drains, and natural drainage swales, as well as the 100-year floodplains and designated wetlands.
    - (c) Vegetative cover conditions on the property according to general cover type including

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cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and trees with a caliper in excess of 15 inches. The Borough Council may waive tree locational requirements within wetlands, floodplains, on slopes greater than 25%, and in other areas proposed to be conserved in their natural state.

- (d) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service.
  - (e) A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, and public forests.
  - (f) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
  - (g) All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, trails, buildings, foundations, stone walls, wells, drainage fields, dumps, utilities, storm water detention facilities and storage tanks.
  - (h) Locations of all historically significant sites or structures.
- (2) After preparing the existing resources and site analysis map, applicants shall arrange for a site inspection of the property by the Borough Council and other Borough officials. Based on the map and inspection, a four-step design process shall then be applied to determine the layout of proposed conservation areas, house sites, streets and lot lines, as described below:
- (a) Proposed conservation areas shall be designated using the existing resources and site analysis map. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over 25%. Secondary Conservation Areas shall also be delineated and prioritized for preservation.
  - (b) Tentative house sites shall be identified. They should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
  - (c) Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed conservation areas shall be minimized. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and facilitate access to and from homes in different parts of the tract.
  - (d) Upon completion of the preceding three steps, lot lines shall be drawn to delineate the boundaries of individual residential lots.

§100-26 **Reserved:**

§100-27 **Reserved:**

§100-28 **Reserved:**

§100-29 **Reserved:**

§100-30 **Reserved:**

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**ARTICLE V  
MOBILE HOME PARKS**

**§100-31 Classification:**

Mobile home parks shall be considered as major subdivisions or land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance, the provisions of this Article shall apply.

**§100-32 Plat Requirements:**

In addition to the requirements of Article III - Procedures, the following plat requirements shall apply:

- A. Location and dimension of all mobile home stands or pads.
- B. Location and dimensions of all off-street parking areas.

**§100-33 Design Standards:**

In addition to the requirements of Article IV Design Standards of this Subdivision and Land Development Ordinance, the following design standards shall apply:

- A. Mobile home lots within the park shall have a minimum area of 8,000 square feet.
- B. Mobile home lots within the park shall have a minimum width of 75 feet.
- C. Building setbacks as defined within the Hawley Borough Zoning Ordinance and the Hawley Borough Subdivision and Land Development Ordinance in effect at the time of submission.
- D. A minimum of 20% of the tract, excluding streets and parking areas, shall be provided for open space.
- E. Public or community sewer service facilities shall be required.
- F. Public or community water service facilities shall be required.
- G. Streets and roadways within a mobile home park shall conform to the standards as set forth within the Hawley Borough Road Ordinance in effect at the time of submission.
- H. A minimum of two (2) off-street parking spaces with a minimum area of 200 square feet per space shall be provided for each lot.
- I. Individual water riser pipes shall be provided on each mobile home stand or pad.
- J. Design provisions shall be made to prevent freezing of service lines, valves, and riser pipes and protect them from heaving and thawing actions of the ground.
- K. A shut-off valve below the frost line shall be provided on each mobile home lot.
- L. Individual sewer riser pipes shall be provided on each mobile home stand or pad.
- M. All fuel oil and liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures shall be installed in conformity with any applicable rules and regulations.
- N. Fire hydrants shall be installed within 600 feet of any mobile home, service building, or other structure

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within the mobile home park. Fire hydrants shall be maintained and inspected in accordance with the provisions set forth within the Hawley Borough Fire Prevention Ordinance in effect at the time of submission.

**§100-34 Flood Plain Regulations:** All proposed mobile home parks and expansions of existing mobile home parks within designated one-hundred (100) year flood plains shall meet the following requirements, in addition to the regulations contained within this Ordinance and all other applicable regulations:

- A. Stands or pads shall be elevated so that the floor of each mobile home will be above the regulatory flood elevation.
- B. Access for a mobile home hauler shall be provided.
- C. When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps. Piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than 6 feet above ground level.
- D. All mobile homes shall be anchored in accordance with accepted engineering practices to resist floatation, collapse, or lateral movement by providing over-the-top ties to ground anchors.
  - (1) Over-the-top ties shall be provided at each of the two (2) ends of the mobile home.
  - (2) Any additions to a mobile home shall be similarly anchored.

**§100-35 Improvements:** In addition to the requirements of Article X Improvements of this Ordinance, all mobile home parks shall be required to have installed the following as a minimum:

- A. Mobile home stands or pads.
- B. Off-street parking areas.
- C. Fire hydrants.
- D. Water riser pipes
- E. Water shut-off valves.
- F. Mobile home anchors, if any required.
- G. Individual sewer riser pipes.

**§100-36 Permits:**

- A. It shall be unlawful for any landowner, association or other persons to maintain, construct, alter or extend any mobile home park within Hawley Borough, Wayne County, Pennsylvania, unless a valid permit has been issued by the Borough of Hawley.
- B. The Borough of Hawley shall issue a permit which contains the number of mobile homes and lot locations (as numbered on the approved final plat), that may be occupied. The permit shall remain valid for one (1) year or until the Borough establishes an annual renewal date for all mobile home park permits. The initial permit shall be updated at the time of renewal to reflect any changes in the existing mobile home park.
- C. Permit Issuance: The Borough of Hawley shall issue a permit allowing continued occupancy of the lots having final approval, if the mobile home park meets the following conditions;

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- (1) No lot or site in the mobile home park is in violation of this Subdivision and Land Development Ordinance or any other Borough ordinance.
- (2) No lot or site is maintained in an unsightly or unsanitary manner.
- (3) The mobile home park was inspected by the Hawley Borough Council or their designee and was found to be in compliance with the requirements of this Article.
- (4) That all fees to cover inspections are paid to the Borough of Hawley. Said fees are established on an annual basis by resolution.

**§100-37 Application To Existing Mobile Home Parks:**

These regulations shall apply to any extensions of existing mobile home parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

**§100-38 Reserved:**

**§100-39 Reserved:**

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**ARTICLE VI  
RECREATIONAL LAND DEVELOPMENTS**

This Article contains provisions setting forth standards for the design, construction, alteration, and/or extension of recreational land developments and related utilities and facilities for any recreational land development purposes.

**§100-40 Classification:**

Recreational Land Developments shall be considered major subdivisions and land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance or other ordinances adopted by Hawley Borough, the provisions of this Article shall apply to the Recreational Land Development. Recreational Land Developments due to their consideration as a major subdivision or land development shall require separate and distinct preliminary and separate and distinct final plan submissions as provided for within this Ordinance.

**§100-41 Plat Requirements:**

In addition to the requirements of Article III - Procedures, the following plat requirements shall apply:

- A. Location and dimensions of all Recreational Land Development lots or camping sites.
- B. Location and specifications for all pedestrian ways and sidewalks.
- C. Location and dimensions of all off-street parking areas.
- D. Location of all proposed open space.
- E. Location and specifications of all plantings and landscaping.
- F. Location, specifications and proposed use of all service and accessory buildings.

**§100-42 Design Standards:**

In addition to the requirements of Article IV - Design Standards, the following design standards shall apply:

- A. A Recreational Land Development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- B. Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one hundred (100) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cul-de-sacs may be varied.
- C. Individual recreational land development lots or camping sites shall be separated from service building structures, other occupied buildings and structures, highway rights-of-way and adjoining property lines of the Recreational Land Development as a whole by a minimum distance of fifty (50) feet.
- D. All Recreational Land Developments shall provide and maintain a vegetative screening strip of planted or natural growth, along the exterior property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable (5-10 years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required and shall meet the approval of the Hawley Borough Council.



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- E. A minimum of two (2) off-street parking spaces with a minimum area of two-hundred (200) square feet per space shall be provided for each lot.
- F. No individual on-site sewage shall be permitted and all community systems for the common use of each site identified within the Recreational Land Development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Hawley Borough.
- G. No individual on-site water system shall be permitted, and all community systems for common use of each site identified within the Recreational Land Development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Hawley Borough.
- H. Streets and roadways within a Recreational Land Development shall conform to the standards as set forth within the Hawley Borough Road Ordinance in effect at the time of submission.
- I. A minimum of twenty (20) percent of the Recreational Land Development, excluding streets and parking areas shall be provided for open space.
- J. Fire hydrants shall be installed within six-hundred (600) feet of any service building or structure within a Recreational Land Development. Fire hydrants shall be maintained and inspected in accordance with the provisions set forth within the Hawley Borough Fire Prevention Ordinance in effect at the time of submission.
- K. If electric service is proposed to be provided within the Recreational Land Development to individual sites or proposed sections it shall be required to be installed underground.

**§100-43 Flood Plain Regulations:**

All proposed Recreational Land Developments and expansion of existing Recreational Land Developments within designated one-hundred (100) year flood plains shall meet the requirements as set forth in this Subdivision and Land Development Ordinance as well as all other applicable Borough and State regulations.

**§100-44 Supplemental Regulations:**

The operational standards contained in §100-44 Supplemental Regulations shall be incorporated in restrictive covenants attached to the deeds for lots in nontransient Recreational Land Developments and shall be made part of a management plan for any transient Recreational Land Development, which covenants and/or plan shall be approved by the Hawley Borough Council in its review of preliminary and final plans for the Recreational Land Development. A management plan shall be required for all Recreational Land Developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient Recreational Land Developments. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenants shall also provide Hawley Borough with the option (but not the obligation) of being a party to their enforcement and include a right for Hawley Borough to periodically inspect the development for continued compliance with the plan and/or covenants. This provision shall also include that any enforcement undertaken by Hawley Borough may include a request for any or all cost of enforcement including but not limited to filing costs, service costs, miscellaneous costs and/or legal fees.

- A. Appurtenances: No permanent external appurtenances, such as carports, cabanas, or patios, may be attached to any travel trailer or other recreational vehicle parked in a Recreational Land Development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited. Buildings are prohibited at all campsites except storage sheds not exceeding fifty (50) square feet in floor area and eight (8) feet in height. Storage sheds must be placed a minimum of ten

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(10) feet from any recreational vehicle and five (5) feet from all campsite property lines. Storage sheds may only be placed in the rear and side yard areas. No storage sheds shall be placed in a front yard.

- B. Location: A Recreational Land Development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Borough highway shall be required.
- C. Entrances and Exits: Entrances and exits to Recreational Land Developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle (less than seventy (70) degrees measured along intersecting centerlines), for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Borough highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Borough highway, nor shall such intersection be located within 150 feet of any other intersection.
- D. Parking Areas: In connection with the use of any Recreational Land Development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds or any private grounds not part of the Recreational Land Development, unless the owner has given written permission for such use. Each Recreational Land Development operator shall provide off-street parking, loading and maneuvering space. The owner shall be responsible for the violation of these requirements.
- E. Occupancy: Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. An action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. Hawley Borough may require any owner to remove a recreational vehicle from the campground for a period of 7 days, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale or membership in non-transient Recreational Land Developments by restrictive covenant, management plan and/or rules and regulations.
- F. Records: The management of every Recreational Land Development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. Hawley Borough shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Hawley Borough Council shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a Recreational Land Development until the owners and/or management provide evidence of compliance with these provisions. Any and all expenses, fees or cost associated therewith may be sought by Hawley Borough in any legal proceeding.
- G. Sanitary Waste Disposal: No owner or occupant of any campsite or Recreational Land Development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the Recreational Land Development shall be connected to the sewage

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disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six-hundred (600) feet of each lot or campsite.

- H. Fences: All property lines within the Recreational Land Development shall be kept free and open. Fences, ledges or walls may be erected around the original property line for security purposes. However, all such fences, ledges, or walls shall have at least two (2) places where gates or barriers might be removed to permit the easy passage of emergency vehicles. Where such gates or barriers are secured with locks, a key shall be made available and be in the possession of the Borough Police Department, if any and the Fire Departments expected to serve the Recreational Land Development.
- I. Nuisances: No noxious or offensive activities noises or nuisances shall be permitted on any campsite.
- J. Animals: No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- K. Garbage and Refuse Disposal: No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse.
- L. Camping Accessories: Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- M. Ditches and Swales: In the absence of curbs and gutters each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
- N. Drilling and Mining: No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.
- O. Vehicle Parking: No recreation vehicle shall be parked on any street or roadway within the Recreational Land Development.
- P. Fire Rims: Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
- Q. Water Supply: Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite.

**§100-45 Permits:**

- A. It shall be unlawful for any landowner, association or other person to maintain, construct, alter or extend any Recreational Land Development within Hawley Borough, unless a valid permit has been issued by the Borough of Hawley.
- B. The Borough of Hawley shall issue a permit which contains the number of Recreational Land Development sites and site locations (as numbered on the approved final plat), that may be occupied. The permit shall remain valid for one (1) year or until the Borough establishes an annual renewal date for all Recreational Land Development permits. The initial permit shall be updated at the time of renewal to reflect any changes in the existing Recreational Land Development.
- C. Permit Issuance: The Borough of Hawley shall issue a permit to continue the operation of a

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Recreational Land Development if the following conditions are met;

- (1) No site within the Recreational Land Development is in violation of this Subdivision and Land Development Ordinance or any other Borough Ordinance.
- (2) No site is maintained in an unsightly or unsanitary manner.
- (3) The Recreational Land Development was inspected by the Hawley Borough Council or their designee and was found to be in compliance with these standards.
- (4) That all fees to cover inspections are paid to the Borough of Hawley. Said fees are established on an annual basis by resolution.

**§100-46 Application to Existing Recreational Land Developments:**

The regulations contained herein shall apply to any extensions of existing Recreational Land Developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

**§100-47 Reserved:**

**§100-48 Reserved:**

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**ARTICLE VII  
MODIFICATIONS**

**§100-49 General:**

The Hawley Borough Council shall have the power to authorize such adjustments or modifications from the provisions or requirements of these regulations as will not be contrary to the public interest and will maintain the spirit and original intent of this Ordinance.

**§100-50 Applications:**

The Hawley Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. The Council may also grant a modification when an alternative standard can be demonstrated to provide equal or better results, as provided in the Pennsylvania Municipalities Planning Code or when a subdivision plan is of such wide scope that it proposes the development of a functionally integrated community or neighborhood, possibly including some unique design, to attain an improved character of development; provided it conforms to the general purpose and intent of the Borough's land use and planning goals. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision (s) of the ordinance involved and the minimum modification necessary. The request for modification shall be referred to the Borough Planning Commission for advisory comments. The Hawley Borough Council shall keep a written record of all actions on all requests for modifications

**§100-51 Modification Approval:**

The Hawley Borough Council may, upon written request, grant a modification from these regulations providing the following findings are made:

- A. There are peculiar circumstances or conditions that make modification necessary to enable reasonable use of the property; or a modification can be demonstrated to provide equal or better results, as provided in Section 503(8) of the Pennsylvania Municipalities Planning Code.
- B. Any alleged hardship has not been created by the applicant and is not primarily financial in nature.
- C. The modification, if authorized, will not alter the essential character of the area in which the property is located, nor substantially impair the appropriate subdivision or land development of adjacent property.
- D. The modification, if authorized, will represent the least possible alteration of the regulations in issue that will afford relief.

The Borough Council may, In granting any modification, attach such conditions and safeguards as it may deem necessary, including cross-easements to address encroachments and shared improvements. The Borough Council may also, in its sole and exclusive discretion, schedule a public hearing to solicit comments and concerns regarding any applications for modification. The costs of any hearing shall be borne by the applicant as provided for under the appropriate provisions of this Ordinance.

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**ARTICLE VIII  
ADMINISTRATION. ENFORCEMENT AND PENALTIES**

**§100-52 Appeals:**

The decisions with respect to the approval or disapproval of subdivision and land development plans may be appealed, as is provided for in the Pennsylvania Municipalities Planning Code.

**§100-53 Enforcement:**

In addition to those who may, by law, have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Hawley Borough Council to administer this Ordinance.

**§100-54 Preventive Remedies:**

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - (1) The owner of record at the time of such violation.
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4) The vendee or lessee of the current owner of record acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**§100-55 Enforcement Remedies:**

- A. Any person, partnership or corporation who or which has violated the provisions of the Subdivision and Land Development Ordinance of Hawley Borough or any related Ordinance enacted under the Pennsylvania Municipalities Planning Code or the Municipalities Planning Code itself, whether enacted under this Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by Hawley Borough, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorneys fees incurred by Hawley Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Hawley Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the

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District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The Court of Common Pleas of Wayne County, Pennsylvania, upon petition, may grant an Order of Stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than Hawley Borough the right to commence any action for enforcement pursuant to this section.
- D. Nothing herein shall be construed as limiting the authority of the Borough Council to avail itself of remedies provided under the Pennsylvania Municipalities Planning Code or other governing statutes, as subsequently amended, including the right to pursue actions in equity.

**§100-56 Enforcement Jurisdiction:**

The duly designated District Justice having authority in and for Hawley Borough, Wayne County, Pennsylvania, shall have initial jurisdiction in proceedings brought under §100-55, Enforcement Remedies, above.

**§100-57 Continuation:**

The modification or repeal of any prior ordinance, resolution, or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty, or other liability incurred pursuant to such affected ordinance, resolution, or regulation.

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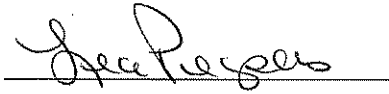
ARTICLE IX  
ENACTMENT

**§100-58 Enactment:**

Ordained and enacted into an Ordinance this 11<sup>th</sup> day of August, 2010, by a vote of 6 to 0, said ordinance to take effect on the 11<sup>th</sup> day of August, 2010.

  
Hawley Borough Council President

ATTEST

  
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