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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Overfield Township, Wyoming County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

ARTICLE I
GENERAL PROVISIONS

100 Repealer and Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors shall repeal and replace in total the Overfield Township Subdivision and Land Development Ordinance of June 11, 1991, as amended; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation.. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF OVERFIELD TOWNSHIP AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS "THE OVERFIELD TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

102 Jurisdiction

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in Overfield Township proposed after the effective date of this Ordinance. No subdivision of any lot, tract, or parcel of land nor any land development shall be affected, no street, sewer system, storm sewer, water system, or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon, no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 Prior Approvals (See also §508(4) of the Pennsylvania Municipalities Planning Code)

If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five year period shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. (See §105.)

102.3 Previously Filed Maps

In cases where a map was filed and put on record prior to the enactment of this Ordinance or other prior regulations and any improvements shown on said map have not been installed or completed, said improvements shall be designed and installed in accord with this Ordinance.

102.4 Powers

The Township shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance.
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.

- D. To require adherence to this Ordinance and its standards.

- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.

- F. To make conditional approvals where requirements specified in writing by the Township will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.

102.5 Delegation of Approval Power

The Overfield Township Supervisors, pursuant to Article V of the Pennsylvania Municipalities Planning Code, hereby delegate to the Overfield Township Planning Commission the power to take action on minor subdivisions, and to review and recommend action to the Board of Supervisors on major subdivision and land developments, existing or proposed, within the Township. The Overfield Township Planning Commission shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.

- B. To require that improvements to the land be made as defined by this Ordinance.

- C. To require the dedication of land as defined as a condition of subdivision or land development approval.

- D. To require adherence to this Ordinance and its standards.

- E. To require complete and accurate preliminary and final subdivision and land submissions and additional information necessary to make reasonable evaluations of such plans.

- F. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State and County laws and will accomplish the purpose of this ordinance.

102.6 Recording of Plans

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Board of Supervisors.

103 Purpose

The purpose of this ordinance is to regulate the subdivision and development of land and to protect and promote health, safety and general welfare; to guide the orderly layout and use of the land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewage, and other public requirements; to provide for safe ingress and egress; to avoid hazards of soil or topographical conditions; to manage the drainage hazards for the immediate development as well as those downhill; and to promote proper monumenting of land subdivided and conveyed by accurate legal description. In addition, this ordinance is adopted to insure the development of the Township in conformity with officially adopted regional, county and local municipal plans and policies, and to implement Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania.¹

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

¹Article I, Section 27, Constitution of the Commonwealth of Pennsylvania: Natural resources and the public estate. The people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. (May 18,1971, P.L.767, J.R.2)

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Township subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

105.2 Project Completion

When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the 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.

105.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid 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 approval was duly filed.

105.4 Substantially Completed Improvements

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

105.5 More Than Five Years

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

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

105.7 Landowner Failure

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

106 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

107 Effective Date

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II
DEFINITIONS

201 Tense, Gender and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words "APPLICANT", "DEVELOPER", "PERSON", "SUBDIVIDER" and "OWNER" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word "STREET" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.
- C. The word "BUILDING" includes structures and shall be construed as if followed by the phrase "OR PART THEREOF".
- D. The term "OCCUPIED" or "USED" as applied to any building shall be construed as though followed by the words "OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED".
- E. The word "LOT" includes plot, parcel, tract, site or any other similar term.
- F. The word "WATERCOURSE" includes channel, creek, ditch, drain, dry run, river, spring and stream.
- G. The word "ABUT" shall include the words "DIRECTLY ACROSS FROM".
- H. The words "SHOULD" and "MAY" are permissive.
- I. The words "SHALL" and "WILL" are mandatory and directive.

203 Terms Or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY USE OR STRUCTURE - A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

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

APPLICATION - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, watercourses, boundary lines of the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Overfield Township, Wyoming County, Pennsylvania.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS - A tract of land, or any portion thereof, used to provide sites for the temporary use of tents or recreational vehicles, as hereinafter defined, for camping purposes, with or without a charge for the leasing, renting or occupancy of such space. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

CAMPSITE - A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY (ROADWAY) - The portion of a street right-of-way paved or unpaved intended for vehicular use.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMMISSION OR PLANNING COMMISSION - The Overfield Township Planning Commission

COMMON AREA - All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES - Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of Overfield Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

COUNTY - The County of Wyoming, Commonwealth of Pennsylvania.

CUL-DE-SAC - A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

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

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

DISTURBED AREA - Any area of land which has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

DWELLING - A structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTI-FAMILY - A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units.

DWELLING, SINGLE-FAMILY - A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

DWELLING, TWO-FAMILY - A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

DWELLING UNIT - A single habitable living unit including a kitchen, sleeping facilities, and a separate bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Commission.

IMPERVIOUS SURFACE - Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

IMPROVEMENT - For the purpose of classification as a land development as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

LAND DEVELOPMENT - (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. 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,
- B. 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.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

- A. The addition of twenty-five (25) percent or more of floor area to the structure; or
-

- B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,
- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LAND DEVELOPMENT, MINOR - See §307.

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), or a lessee, if he is authorized under the lease to exercise the rights of the landowner or other persons having a proprietary interest in the land.

LOT - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended to be used, developed or built upon as a unit.

LOT AREA - The total number of square feet in the lot less any area included in any public or private road rights-of-way affecting the lot.

LOT DEPTH - The average horizontal distance between the front lot line and the rear lot line.

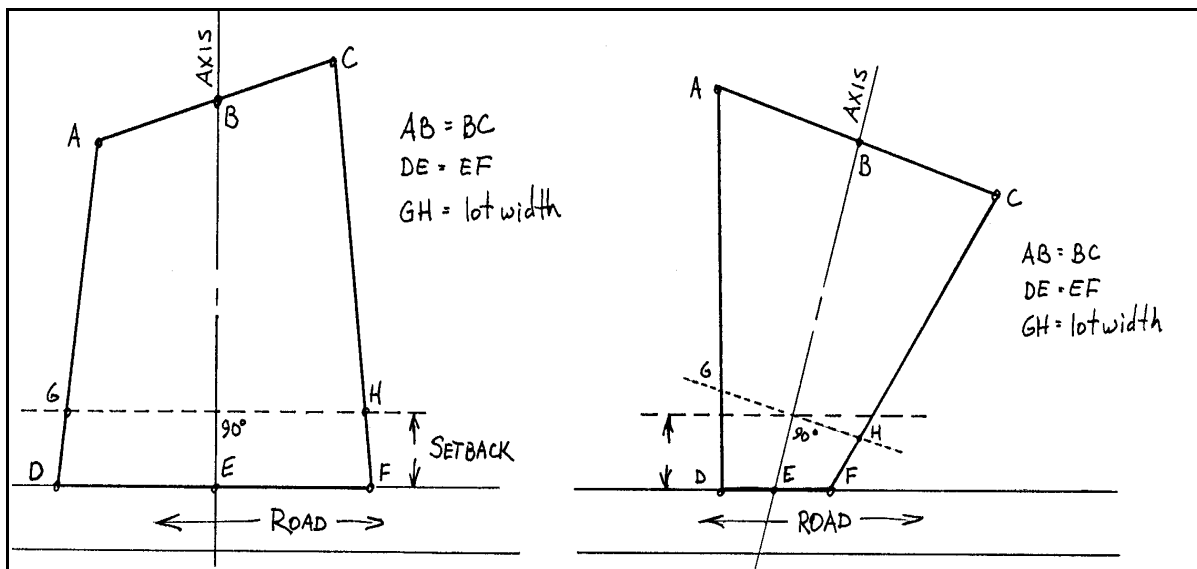
LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on a major street and a minor street, and with vehicular access to the lot permitted only from the minor street.

LOT IMPROVEMENT SUBDIVISION - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance AND no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots.

LOT LINE, FRONT - Any lot line which is coterminous with the boundary line or right-of-way line of the road on which the lot fronts.

LOT LINE, REAR - The lot line most distant from and most parallel to the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.



LOT WIDTH - If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. For the purpose of identifying the axis in the case of irregularly shaped lots, the midpoint of the front lot line shall be joined to the most distant midpoint of the lot lines at the rear of the lot. In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line.

MINIMIZE - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

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

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Subdivision and Land Development Ordinance.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Subdivision and Land Development Ordinance.

MUNICIPALITY - Overfield Township, Wyoming County, Pennsylvania.

PARCEL - See *LOT*.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in

an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR PLAT - A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation including the following:

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township.

- B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a qualified professional (see definition of qualified professional).

- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.

- D. RECORD PLAN - The copy of the final plan which contains the original endorsements of the Township Planning Commission, the County Planning Commission and the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds at Tunkhannock, Pennsylvania.

PLANNING COMMISSION - The Planning Commission of Overfield Township, Wyoming County, PA.

PLAT - See *PLAN*.

PRIMITIVE TYPE CAMPING FACILITY - An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus, not including any vehicle on wheels.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), as amended, known as the "Sunshine Act."

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE - A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

Camper Trailer - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.

Motor Home - A vehicular unit built on a self-propelled motor vehicle chassis.

Travel Trailer - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.

Truck Camper - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.

Self-contained unit - A unit which:

- a. Can operate without connections to external sewer, water and electrical systems, and
- b. Has a toilet and holding tank for liquid waste, and
- c. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION - Any revision, replatting or resubdivision of land which includes changes to a recorded plan.

REVERSE FRONTAGE LOTS - Lots which front on one street and back on another with vehicular access solely from only one street.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

SETBACK - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the street right-of-way and other setbacks from property lines.

SEWAGE DISPOSAL, CENTRAL -A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or

privately owned and operated, including sewage treatment plants, land application systems, and community sewage disposal systems. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as central sewerage for unit density determination, and in such a case all development standards, including but not limited to, unit densities, will apply the same for each dwelling or unit as any single-family unit.

SEWAGE DISPOSAL, COMMUNITY - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which is used to treat and dispose of domestic sewage into the soil (whether entirely in-ground or partially elevated) in accord with DEP Rules and Regulations.

SEWAGE DISPOSAL, ON-SITE - Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil on an individual lot in accord with Pennsylvania Department of Environmental Protection Rules and Regulations. (See also definition of "Sewage Disposal, Central".)

SEWAGE FACILITIES PLAN - The Official Sewage Facilities Plan adopted by the Overfield Township Board of Supervisors in accord with the Pennsylvania Sewage Facilities Act, as amended.

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

SEWER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE (as used in Article VII) - That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SHOULDER - That portion of the road cartway between the outer edge of the travelway or pavement and the point of intersection of the slope lines at the outer edge of the cartway for the accommodation of stopped vehicles and for lateral support.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SPECIMEN TREE - Any tree with a caliper that is twelve (12) inches or more in diameter at breast height or is of exceptional character as determined by the Township.

STREET - A strip of land, including the entire right-of-way, whether public or private designed to provide access by vehicular traffic or pedestrians.

- A. COLLECTOR STREET - Provides access to abutting properties, intercept minor streets and provides routes for considerable volume of traffic to community facilities and major streets and serves two hundred (200) dwelling units or more.
- B. MINOR STREET - Provides access to abutting properties and serves less than two hundred (200) dwelling units.
- C. MINIMUM ACCESS STREET - See §603.7.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, PRINCIPAL - A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

SUBDIVIDER - See "Developer".

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION - A subdivision that creates nine (9) lots or less, or the cumulative development on a lot by lot basis for a total of nine (9) lots or less of any original tract of record (i.e. not subdivided or developed subsequent to the effective date of the original Township Subdivision Ordinance); and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets.

- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPERVISORS - The Overfield Township Board of Supervisors.

SURVEYOR - A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

SWALE - A depression or hollow in the land used for the conveyance of stormwater.

TENT - A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

TOWNSHIP - Overfield Township, Wyoming County, Pennsylvania.

TRAVELWAY - The portion of the cartway used for normal movement of vehicles.

WATER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATERCOURSE - A discernable, definable natural, man made or altered course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or

underground spring(s) and may be permanent in nature or it may originate from a temporary source such as a runoff from rain or melting snow.

WATER RISER PIPE (as used in Article VII) - That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE (as used in Article VII) - All pipes, fittings valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

WATER SUPPLY, SHARED - A system for supplying and transmitting drinking water to a minor (residential) land development, or to a non-residential land development with more than one (1) principal structure, in compliance with Pennsylvania Department of Environmental Protection regulations, if such compliance is required. (Note: Any water system serving two (2) or more lots shall be considered a central water supply.)

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WETLANDS - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the most current applicable state and federal criteria; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

ARTICLE III
PLAN PROCESSING

301 General

All plans for the subdivision and/or development of land within the corporate limits of Overfield Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Governing Body in accordance with the procedures specified in this Article.

302 Sketch Plan

302.1 Optional - Sketch Plans

Applicants are encouraged, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to establish:

- A. The overall objectives of the Applicant.
- B. The extent to which the proposed plan conforms with the provisions of this Ordinance.
- C. If the said plan shall qualify as a major or a minor subdivision and/or land development.

302.2 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.3 Submission at Meetings

A Sketch Plan may be presented to the Planning Commission at any scheduled meeting and the Commission may review and comment on the said plan at such meeting.

302.4 Optional - Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission. In such cases six (6) copies of the Sketch Plan and supporting documents shall be submitted to the

Planning Commission Secretary at least ten (10) working days prior to the Planning Commission meeting at which the plan is to be discussed.

302.4.1 Sketch Plan Distribution - The Planning Commission Secretary shall, as directed by the Planning Commission, distribute the plans and supporting documentation as follows.

- A. Two (2) copies to the Overfield Township Board of Supervisors.
- B. One (1) copy to the Township Engineer.
- C. The Township Zoning Officer.
- G. One (1) copy to any other such Engineer or Consultant as the Commission may designate.

302.4.2 Written Comments - Comments of the Township Engineer and other Township consultants shall be made in writing and submitted to the Planning Commission Secretary prior to the meeting at which the Sketch Plan will be discussed.

302.4.3 Review by the Township Planning Commission - When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the Township Planning Commission at the next regularly scheduled meeting. During the review of the Sketch Plan, the Township Planning Commission shall consider the written reports of the Township Engineer and other Consultants before making its comments.

302.4.4 Review by the Board of Supervisors - The Applicant may also request that the Sketch Plan be reviewed by the Board of Supervisors and may submit the Plan to the Board of Supervisors at any duly advertised public meeting of the Board following the Planning Commission meeting at which the Plan is reviewed.

302.4.5 Detailed Review Filing Fee - The Planning Commission Secretary shall collect a detailed review filing fee as established by resolution of the Board of Supervisors for all detailed sketch plans.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of detailed sketch plans.

- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

303 Preliminary Plans for Major Subdivisions

All applications for major subdivisions shall be submitted to Overfield Township and processed in accord with this §303.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted - The official submission of the Preliminary Plan shall include ten (10) copies of each of the following:

- A. Subdivision plan review application.

- B. Legible blue-line paper prints of the Preliminary Plan.

- C. Required sewage planning module(s) and associated documentation.

- D. All other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Planning Commission Secretary shall collect a Preliminary Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .

- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

303.1.4 Preliminary Plan Submission Verification - Upon receipt of the Preliminary Plan and supporting data the Planning Commission Secretary shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.

- B. If the submission is not complete, the Secretary shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Commission Secretary of the required number of copies of all documents for the Preliminary Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.

2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Preliminary Plan submission and forward said receipt to the Applicant.

B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §303.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

303.1.6 Distribution of the Preliminary Plan - The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Preliminary Plan and applicable supporting documents to the Wyoming County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Township Engineer.
- B. The Township Solicitor.
- C. The Township Zoning Officer
- D. The Township Sewage Enforcement Officer
- E. The Wyoming County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §303.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the decision was made.

- A. If approval is recommended, the plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Supervisors.

- B. If approval with conditions is recommended such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.

- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

303.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.1.5.

303.2.3 Board of Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

303.2.4 Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

303.3 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.

303.4 Wyoming County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Wyoming County Planning Commission or after thirty (30) days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Facilities Planning Modules

The Board of Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

303.7 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.8 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 of this Ordinance or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.

- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II) which are shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation; Five-Year Protection From Ordinance Changes

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Township shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303. In accord with §105 of this Ordinance and §508,(4) of the Municipalities Planning Code, when a preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

304.3 Sections

Final Plans may be submitted in sections in accord with §508(4)(v),(vi) and (vii), each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage.

- B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - In order to initiate the determination of completeness, copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include ten (10) copies of each of the following:

- A. Subdivision plan review application.
- B. Legible blue-line paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, ten (10) blue-line prints shall be submitted for final signature.
- C. All required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Highway occupancy permit.
- E. All other required supporting data and information as required in Article IV of this Ordinance.

304.4.3 Final Plan Filing Fee - The Planning Commission Secretary shall collect a Final Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .

- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

304.4.4 Final Plan Submission Verification - Upon receipt of the Final Plan and supporting data the Planning Commission Secretary shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.

- B. If the submission is not complete, the Secretary shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

304.4.5 - Official Date of the Final Plan Submission - The official date of the Final Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Commission Secretary of the required number of copies of all documents for the Final Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.

2. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.

B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with § 304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

304.4.6 Distribution of the Final Plan - The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Final Plan and applicable supporting documents to the Wyoming County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Township Engineer.
- B. The Township Solicitor.
- C. The Township Zoning Officer.
- D. The Township Sewage Enforcement Officer.
- E. The Wyoming County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

- A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors.
- B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

304.5.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.4.5.

304.5.3 Board of Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

304.5.4 Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2.

304.6 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to §304.4.6 and may request such additional information as deemed necessary.

304.7 Wyoming County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Wyoming County Planning Commission or after thirty (30) days following transmittal of the Final Plan to the County Planning Commission.

304.8 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Board of Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer, and have been certified as complete by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

304.11 Recording of the Final Plan

The Applicant shall file the final record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. If the Applicant fails to record the final record plan in

the Recorder's office within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a re-submission of the plan shall be made to the Board of Supervisors.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

305 Minor Subdivisions

Preliminary Plans for Minor Subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with this §305. As authorized in §102.5, the Overfield Township Planning Commission shall approve, approve with conditions or deny Minor Subdivision Plans in accord with this ordinance.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the Minor Subdivision Plan and all required supporting documentation may be submitted to the Planning Commission Secretary prior to any Planning Commission meeting or may be submitted directly to the Planning Commission at any scheduled meeting when the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include ten (10) copies of each of the following:

- A. Minor Subdivision Plan review application.

- B. Legible blue line prints of the Minor Subdivision Plan. Following approval by the Planning Commission and when all corrections have been made to the Minor Subdivision Plan, seven (7) blue-line prints shall be submitted for final signature.

- C. Sewage facilities planning modules and associated documentation.

- D. All other required supporting data and documentation as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee - The Planning Commission Secretary or the Planning Commission shall collect a Minor Subdivision Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.

- B. The Applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Minor Plan Submission Verification - Upon receipt of the Minor Plan and supporting data, the Planning Commission Secretary or the Planning Commission shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the plan submission verification noting same and provide a copy of the plan submission verification to the Applicant.

- B. If the submission is not complete, the Secretary shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the Minor Subdivision plan submission shall be determined as follows:

- A. The Planning Commission shall examine the Minor Subdivision submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission following the date of minor plan submission verification occurs more than thirty (30) days following the said submission verification date, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of plan submission verification.

305.1.6 Distribution of the Minor Subdivision Plan -The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Minor Plan and applicable supporting documents to the Wyoming County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Township Engineer.
- B. The Township Solicitor.
- C. The Township Zoning Officer.
- D. The Township Sewage Enforcement Officer.

- E. The Wyoming County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to §305.1.5.

305.2.2 Planning Commission Approval with Conditions - When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Minor Subdivision Plan is considered and communicated in writing to the Applicant as provided in §305.2.2. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and said plan shall be resubmitted as required by §305 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

305.2.3 Planning Commission Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Planning Commission meeting at which the Minor Subdivision Plan is considered and communicated in writing to the Applicant as provided in §305.2.2.

305.3 Reviewing Agency and Officials Comments

The Planning Commission shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary.

305.4 Wyoming County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Township has received and considered the comments of the Wyoming County Planning Commission or after thirty (30) days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

305.5 Sewage Facilities Planning Modules

The Board of Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

305.6 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission shall endorse the Minor Subdivision Plan for recording purposes. The Planning Commission shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Board of Supervisors.

305.8 Recording of the Minor Subdivision Plan

The Applicant shall file the Minor Subdivision record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Planning Commission. If the Applicant fails to record the Minor Subdivision record plan in the Recorder's office within the required ninety (90) day period, the action of the Planning Commission shall be deemed null and void and a re-submission of the plan shall be made to the Board of Supervisors.

305.9 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

306 Plans for Land Developments

A. Applicability

All plans for land developments, except as noted in §5C below, shall be submitted and processed in accord with this §306.

B. Intent

The intent of this §306 is to combine the preliminary and Final Plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of lot purchasers. Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed and approved by the Township.

C. Non-Qualifying Land Developments

Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with §303 and §304 of this Ordinance. (e.g., condominiums, or townhouses transferred in fee.)

306.1 Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Township - In order to initiate the determination of completeness, copies of the Land Development Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Land Development Plan Submission".

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include ten (10) copies of each of the following:

- A. Land Development Plan review application.

- B. Legible blue-line paper prints of the Land Development Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Land Development Plan, ten (10) blue-line prints shall be submitted for final signature.

- C. All required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.

- D. All other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Planning Commission Secretary shall collect a Land Development Plan filing fee as established by resolution of the Board of Supervisors.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of land developments.

- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

306.2.4 Land Development Plan Submission Verification - Upon receipt of the Land Development Plan and supporting data the Planning Commission Secretary shall check the submission for the required number of copies of all documents.

- A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the submission verification noting same and provide a copy of the plan submission verification to the Applicant.

- B. If the submission is not complete, the Secretary shall complete the plan submission verification noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

306.2.5 - Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Commission Secretary of the required number of copies of all documents for the Land Development Plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
 - 2. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Land Development Plan submission and forward said receipt to the Applicant.
- B. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

306.2.6 Distribution of the Land Development Plan -The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Land Development Plan and applicable supporting documents to the Wyoming County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Township Engineer.
- B. The Township Solicitor.

- C. The Township Zoning Officer.

- D. The Township Sewage Enforcement Officer.

- E. The Wyoming County Conservation District.

- F. PennDOT when applicable.

- G. Any other Engineer or Consultant designated by the Township.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this § 306.3. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

- A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors.

- B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.

- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated in writing to the Board of Supervisors and the Applicant.

306.3.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made.

However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Land Development Plan Submission" as established pursuant to §306.2.5.

306.3.3 Board of Supervisors Approval with Conditions - When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.

306.3.4 Board of Supervisors Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2.

306.4 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to §306.2.6 and may request such additional information as deemed necessary.

306.5 Wyoming County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Wyoming County Planning Commission or after thirty (30) days following transmittal of the Land Development Plan to the County Planning Commission.

306.6 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

306.7 Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Board of Supervisors shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance.

306.8 Final Approval; Signature of Land Development Plan

The Board of Supervisors shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Board of Supervisors shall endorse the Land Development Plan for recording purposes. The Board of Supervisors shall retain at least one (1) endorsed print, and one (1) endorsed print shall be forwarded to the Township Planning Commission.

306.9 Recording of the Land Development Plan

The Applicant shall file the final record plan with the Wyoming County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a re-submission of the plan shall be made to the Board of Supervisors.

306.10 Certificate of Conformance

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued for the land and structure(s) in accord with this Ordinance. In cases where a financial guarantee for final approval has been provided in lieu of the construction of improvements, no certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer pursuant to Article V of this Ordinance.

306.11 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

306.12 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

307 Minor Land Development

The intent of this §307 is to reduce the information requirements for the review and approval of small scale land development projects.

307.1 Minor Land Development Criteria

A land development, as defined by Article II of this Ordinance, may be considered a "Minor Land Development" for the purposes of this Ordinance provided said development does not exceed any of the following development characteristics, or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.

A. Non-Residential Land Developments

1. The gross floor area of all principal structures existing or proposed on the project property does not exceed one thousand five hundred (1,500) square feet; or,
 2. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).; or,
- C. The total impervious area existing or proposed on the site does not exceed twenty thousand (20,000) square feet.

In the case of a non-residential land development which has been approved under the terms of this Ordinance or predecessor ordinance, any further land development shall be considered a minor land development unless the proposed cumulative increase in gross floor area of the principal structures on the project property exceeds seven hundred and fifty (750) square feet, or the proposed cumulative increase in impervious area on the project property exceeds one thousand five hundred (1,500) square feet, in which cases the proposal shall not be considered a minor land development.

B. Residential Land Developments

The total number of dwelling units on the project parcel does not exceed three (3).

307.2 Procedure and Other Requirements

All procedures and requirements of this Ordinance applicable to land developments shall also apply to minor residential land developments except as provided in this §307. The Township Board of Supervisors may, based upon the recommendation of the Planning Commission, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

307.3 Minor Residential Land Development Determination

307.3.1 Application to be Filed With The Township - The application for minor residential land development determination may be submitted to the Planning Commission Secretary prior to any Planning Commission meeting or may be submitted directly to the Planning Commission at any scheduled meeting. The application shall contain such information as may be necessary for the Township to determine the "minor residential land development" status of the proposed project in accord with this §307. The Planning Commission shall have the right to require any additional information deemed necessary.

307.3.2 Status of Application for Minor Residential Land Development Determination - The application for minor residential land development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.

307.3.3 Determination of Minor Residential Land Development - The Planning Commission shall determine the minor residential land development status of the application in accord with the criteria in this §307 and report their determination regarding same to the Applicant and the Board of Supervisors.

- A. In cases where the Planning Commission determines that the proposed development does meet the requirements for a minor residential land development, the information required for the application shall be submitted in accord with §307.4.

- B. If the Planning Commission determines that the subject development does not meet the criteria for a minor residential land development, said development shall be considered a land development and the information required for the application shall be submitted in accord with all the applicable sections of this Ordinance and all other applicable requirements.

307.4 Minor Land Development Application Information

Minor residential Land Development Plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other Township requirements. The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information which may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this Ordinance.

308 Lot Improvement Subdivisions

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Wyoming County Recorder of Deeds, (The applicant shall certify to the Board that the subject map is, in fact, on record.) and which do not involve the creation of any new lot lines, may be submitted directly to the Board of Supervisors. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an "Owners Affidavit" for same which shall be recorded with the Wyoming County Recorder of Deeds upon the signature of the applicant and the Board of Supervisors. The "Owner's Affidavit" shall be in such form as required by the Board of Supervisors upon the recommendation of the Township Solicitor; and shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3, B of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Board of Supervisors with the recommendation of the Township Solicitor; and said documents shall be turned over to the Township Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors and shall include the costs of recording.

309 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided not more than four (4) lots shall be platted from the parent parcel in any one (1) year period, and the Applicant can demonstrate to the satisfaction of the Township that an adequate description of the parent

parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

**ARTICLE IV
PLAN REQUIREMENTS**

400 Level of Detail

In order to assure the proper design and installation of al public and private development improvements, final design and construction documents shall be at the time of Preliminary Plan application.

401 Sketch Plan Requirements for Formal Review

A Sketch Plan for formal review shall show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimensions.

- A. Name of the subdivision and/or development.

- B. Name and address of land owner and/or land developer. (if corporation give name of officers.)

- C. Location map.

- D. North arrow.

- E. Graphic scale.

- F. Written scale.

- G. Date sketch plan was completed.

 - H. Names of adjacent property owners and tax map numbers, including those across adjacent roads.

 - I. Proposed and existing street and lot layout on immediately adjacent tracts including street and subdivision names and right-of-way widths.

 - J. Existing man-made and/or natural features:
 - 1. Water courses, lakes and wetlands (with names).

 - 2. Rock outcrops and stone fields.

 - 3. Buildings and structures.

 - 4. Approximate location of tree masses.

 - 5. Utility lines, wells and sewage system(s).

 - 6. Any and all other significant features.

 - K. Location of permanent and seasonal high water table areas and 100 year flood zones.

 - L. Tract boundaries.

 - M. General street and lot layout showing approximate widths, depths and areas.
-

- N. Location and extent of various soil types by Soil Conservation Service classification.

- O. Location and type of rights-of-way or other restrictive covenants which might affect the subdivision and/or development.

- P. The following site data shall be labeled on the plan:
 - 1. Total acreage of the subdivision and/or development.

 - 2. Total number of lots proposed.

 - 3. Total lineal feet of new roads.

 - 4. County property tax assessment number.

 - 5. Zoning district of the subdivision and/or development and statement of compliance.

 - 6. Any and all other significant information.

- Q. A map of the entire contiguous holding of the owner and/or developer showing the plan for any future development.

- R. A statement of the type of water supply and sewage disposal proposed.

402 Preliminary Plan Requirements for Major Subdivisions (see §406 for Land Developments)

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 (ten) feet, 20 (twenty) feet, 30 (thirty) feet, 40 (forty) feet, 50 (fifty) feet, 60 (sixty) feet, 80 (eighty) feet, 100 (one hundred) feet or 200 (two hundred) feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from landowner (if a corporation give name of each officer).

- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.

 - E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.

 - F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.

 - G. North arrow (true or magnetic).

 - H. Graphic scale and written scale.

 - I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

 - J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.

 - K. Existing constructed or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each, if any.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Utilities, wells and sewage systems.
 - 5. Location and description of any certified historic site or structure.
 - 6. Location and size of culverts with the direction of water flow.
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7. Wetlands in accord with §613.
 8. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas, and flood zones as shown on the most recent FIA/FEMA mapping.
- M. Location and extent of various soil types by SCS classification and the location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest U.S.G.S. Quadrangle map. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements.
- R. The full plan of the proposed subdivision, including:
1. Location and widths of all streets, suggested types and all rights-of-way with a statement of any conditions governing their use.
 2. Existing and proposed street names.
 3. Building setback lines.
 4. Lot lines with dimensions.
 5. Lot and/or parcel sizes.

6. Lot numbers.
 7. A statement of number of lots and/or parcels.
 8. A statement of the intended use of all lots and/or parcels.
 9. A statement of the total acreage in the proposed development.
 10. County tax assessment property number.
 11. Any and all other significant information.
- S. Zoning data, including all of the following, when applicable:
1. Zoning district designations.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development, shown on location map.
- T. A title block shall be included on the lower right corner of all Preliminary Plans.
- U. Signature blocks for the Planning Commission and Board of Supervisors located immediately above or to the left of the title block..
- V. In the case of land developments, the location and configuration of project buildings, parking areas, streets, access drives, driveways and all other planned facilities.

402.3 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.

- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.

- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.

- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- F. Proof of legal interest in the property and latest deed of record.

- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 - 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.

3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- J. Soil erosion and sedimentation control plan for submission approval by the Wyoming Conservation District.
- K. Drainage/stormwater management plan meeting the requirements of the Township Stormwater Management Ordinance.
- L. Bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be
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accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

H. Highway occupancy permits.

402.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

402.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with Preliminary Plan applications.

403 Final Plan Requirements for Major Subdivisions (See §406 for Land Developments.)

Final Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location

of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

403.2 Final Plan Information

The Final Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.

- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

 - J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.

 - K. Existing constructed or natural features including but not limited to the following:
 - 1. Water courses, ponds and lakes, with name of each, if any.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Utility lines, wells and sewage systems.
 - 5. Location and description of any certified historic site or structure, and stone walls.
 - 6. Location and size of culverts with the direction of water flow.
 - 7. Wetlands in accord with §613.
 - 8. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.

 - L. Location of permanent and seasonal high water table areas, and flood zones as shown on most recent FIA/FEMA mapping.

 - M. Location and extent of various soil types, SCS classification for each and location of soil test pits and percolation test locations.

 - N. Location, width and purpose of any existing rights-of-way or other easements.

 - O. Location, width and purpose of any proposed rights-of-way or other easements.
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- P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest USGS Quadrangle map. Contour lines at a closer interval may be required if more detail is deemed necessary by the Township. If deemed appropriate by the Township, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.
- R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all lot markers and perimeter monuments shall be shown and described.
- S. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location and right-of-way lines of all other streets and/or roads within the property.
- T. The full plan of the proposed development, including but not limited to the following information and data:
1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 2. All dimensions in feet and hundredths of a foot.
 3. All bearings to the nearest one second of the arc.
 4. Street names.
 5. Street widths and right-of-way and easement widths.
 6. A clear sight triangle shall be shown for all street intersections.
 7. Block and lot numbers.
 8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
 9. Location and type of permanent monuments and markers which have been found or set in place.
 10. Building setback lines for each lot or the proposed placement of each building.
 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.

12. A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
14. Wyoming County tax map number.

U. Zoning data, including all of the following, when applicable:

1. Zoning district designations.
2. Zoning district boundary lines transversing the proposed subdivision and/or development.
3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development. (Show on location map)

V. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Overfield Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
8. "All lots shown on this plan are subject to the rules and regulation contained in the Township

Zoning Ordinance."

W. A title block shall be included on the lower right corner of all Final Plans.

X. Recommendation/Signature block for the Planning Commission and Approval/Signature block for the Board of Supervisors.

Y. The following general notes shall be included on all Final Plans, if applicable:

1. When all roads and/or streets are to remain private --- "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to Overfield Township by the Developer, his heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Township Road Dedication Ordinance or any amendment thereto."
2. In the event the subdivision incorporates a minimum access street as defined in this Ordinance, the following --- "The improvement and maintenance of any minimum access street shall be the sole responsibility of those persons benefitting from the use thereof".
3. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
4. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Overfield Township pursuant to Overfield Township Road Encroachment Ordinance."
5. In the case where wetlands are present or if otherwise required by the Township --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."

6. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."

 7. In cases where the requirement for sewage planning is waived by the Township --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning and other applicable approvals by the Township."
- Z. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

403.3 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical superelevated sections.
 4. Typical parallel drainage.

 - B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.

 - C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
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- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, and the latest deed of record.
- F. Water Supply and Sewage Disposal Information
 - 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 - 2. All other documentation required to demonstrate compliance with §607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Wyoming Conservation District.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

N. Improvements construction documentation required by Article V.

403.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

403.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with Final Plan applications.

403.6 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas. The Township Supervisors, with the recommendation of the Planning Commission, shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

404 Minor Subdivisions, Final Plan Requirements

Plans for minor subdivision shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law; and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.

ARTICLE IV - PLAN REQUIREMENTS

OVERFIELD TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

404.2 Minor Plan Information

A. Name of subdivision

B. Name and address of owner of record (if a corporation give name of each officer).

C. Name and address of Developer if different from landowner (if a corporation give name of each officer).

D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.

E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.

F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.

G. North arrow (true or magnetic).

H. Graphic scale and written scale.

I. Lots numbered in consecutive order.

- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands in accord with §613.

- T. A clear sight triangle shall be clearly shown for all street intersections.

- U. Site data including, total acreage, number of lots, existing zoning district and tax map number.

- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.

- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.

- X. The location and extent of various soil types by SCS classification for each type.

- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.

- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.

- AA. A key map for the purpose of locating the property being subdivided.

- BB. Recommendation/Signature block for the Planning Commission and Approval/Signature block for the Board of Supervisors.

- CC. A title block on the lower right corner.

- DD. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Overfield Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

The following general notes shall be on all Final Plans, if applicable:

- A. In the event the subdivision incorporates a minimum access street as defined in this Ordinance, the following -- "The improvement and maintenance of any minimum access street shall be the sole responsibility of those persons benefitting from the use thereof".
- B. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Overfield Township pursuant to the Overfield Township Road Encroachment Ordinance."
- D. In the case where wetlands are present or if otherwise required by the Township --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s)."

- E. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."

- F. In cases where the requirement for sewage planning is waived by the Township --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning and other applicable approvals by the Township.

404.4 Supporting Documents and Information

- A. The required Sewage Facilities Planning Modules along with the site investigation reports.

- B. Typical cross-sections for any minimum access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.

404.5 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with minor subdivision applications.

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in §404 of this Ordinance for Minor Subdivisions shall also apply to Lot Improvement Subdivisions, along with the information listed below. In addition, the original (for review) and one copy (for filing) of the deed or deeds necessary to convey title pursuant to the lot improvement or, in the alternative,

prove ownership of the subject lands. The deeds shall be fully executed and in recordable form, and shall be recorded along with the approved plans.

- A. Identification of all subject lots as they existed prior to the lot improvement. All lots must be shown regardless of size.
- B. Identification of all lots created by the lot improvement.
- C. Dotted lines where existing lot lines will be eliminated.
- D. A statement that all resulting parcels may not be further or re-subdivided without Township approval and are restricted to use for one (1) single family dwelling.
- E. A statement that all resulting or remaining land complies in all respects with the provision of this ordinance.

406 Plan Requirements for Land Developments

Land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other applicable requirements.

406.1 Plan Requirements

The plan requirements for final plans for major subdivisions in §403 of this Ordinance shall serve as the guide for the types of information which may be required. In addition to the information required by §403, the plan shall include all details of required improvements necessary to confirm compliance with this Ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, stormwater facilities, and buffer areas.

406.2 Survey

A survey of the parcel of property containing the proposed land development shall generally be required; however, the Township shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to assure compliance with applicable requirements.

406.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Planning Commission and Board of Supervisors shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

407 Plan Requirements for Minor Land Developments

Minor land development plans and applications shall contain all information required by the Planning Commission and Board of Supervisors to determine compliance with this Ordinance and any other Township requirements.

407.1 Plan Requirements

The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information which may be required. In addition to the information required by §404, the plan shall include all details of required improvements necessary to confirm compliance with this ordinance.

407.2 Survey

A survey of the parcel of property containing the proposed minor land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for the same to assure compliance with applicable requirements.

407.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Planning Commission shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

ARTICLE V

IMPROVEMENT CONSTRUCTION AND GUARANTEES, AND OPEN LAND

501 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Township for recording in the office of the Wyoming County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are certified by the Township Engineer; or,
- B. An Improvements Construction Guarantee in accord with §509 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Township.

Any approval granted by the Board of Supervisors for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

502 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Township shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

503.1.1 Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Township. The bond shall be payable to the Township.

503.1.2 Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Township.

503.1.3 Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Township.

503.1.4 Other Forms - Other forms of collateral including but not limited to real estate mortgages as the Township may require or accept as part of the security.

503.1.5 Additional Requirements - The following requirements shall apply to the financial guarantees set forth in this §503.1:

- A. The funds of any guarantee shall be held in trust until released by the Township and may not be used or pledged by the Developer as security in any other matter during that period.

- B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.

- C. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.

- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten (110) percent. Any additional security shall be posted by the developer in accord with this §503.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §503.2.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Township to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

503.4.1 - Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.

- A. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.

- B. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Supervisors the completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Supervisors

fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

503.4.2 Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Board of Supervisors.

- A. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
- B. Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
- C. Report - The Township Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending 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, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
- D. Action - Within fifteen (15) days of receipt of the Township Engineer's report, the Board of Supervisors shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
- E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.4, shall be followed.
- F. Remedies to Effect Completion of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making

repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Construction Plans and Drawings

The construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.2 Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., backfilling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

504.4 Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

504.5 Cost

The cost of all inspections conducted by the Township shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount determined by the Board of Supervisors but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Township may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.
- B. After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Township Engineer to be in good condition, the Township shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

505.2 Central Sewage Guarantee

- A. In lieu of the requirements of §505.1 above, the Board of Supervisors may require a guarantee from the developer for the maintenance, operation and repair of any central sewage system for three (3) years after completion of construction. Said bond shall be posted immediately after the system receives final approval and before it is put into operation.

- B. In instances where the system use will not reach operational capacity within a period of one (1) year, however, the Township may require that such guarantee provide for the maintenance and operation of the system for a period of three (3) years from the time operational capacity is reached. The amount of said maintenance guarantee shall be determined by the Township Board of Supervisors but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.

- C. Upon the expiration of the term of the maintenance guarantee, the Township shall release said maintenance guarantee, provided the system has been properly maintained and operated during the term of the guarantee and is currently operating properly and in conformance with the applicable DEP discharge requirements. In the event the system is not so maintained and operated, the Township Board of Supervisors, at any time during the term of the guarantee and upon thirty (30) days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said three (3) year period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Township and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.

506.1 Private Operation and Maintenance

506.1.1 Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.

506.1.2 Residential Developments -In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements . Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Township.

506.1.3 Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Township. The amount of said fund shall be established by the Board of Supervisors, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Township.

506.1.4 Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with Township requirements and/or the needs of the users of said improvements, the Township shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Board shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Article X of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

The offer of dedication to the Township and the acceptance by the Township of any roads or associated drainage facilities shall be governed by the Township Road Dedication Ordinance, as amended. The Township may accept roads and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Township deems it necessary to fulfill the purposes of this Ordinance or the Township Official Wastewater Facilities Plan. In accepting any improvements the Township may attach such reasonable conditions necessary to fulfill the purposes of this Ordinance. In the case where roads are being constructed and offered for dedication as part of a subdivision or land development regulated by this Township Subdivision and Land Development Ordinance, the Road Dedication Ordinance shall be applied concurrently with respect to procedures.

507 Open Land and Recreation Land -- Ownership and Maintenance

This §507 shall apply to any development which involves the ownership and maintenance of open land or recreation land (referred to as "common open space") as required by this Ordinance.

507.1 Purpose

The requirements of this §507 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

507.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

507.3 Use Restriction

The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance.

507.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

507.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common open space, should the means established by the developer fail to provide the same.

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

507.5.1 Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

507.5.2 Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.

- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

507.5.3 Deed Restricted Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

507.5.4 Deed or Deeds of Trust - The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

507.5.5 Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

507.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Township agrees to and has access to maintain such lands.

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

507.6.1 Notice - The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common open space.

507.6.2 Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

507.6.3 Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

507.6.4 Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.

507.6.5 Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

507.6.6 Appeal - Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

507.6.7 Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §507.6.1 above, shall file the required notice of lien against the properties.

508 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Supervisors, and if so directed by the Board of Supervisors, enter into a legally binding development agreement with the Township of Overfield whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Township requirements.

508.1 Contents

The development agreement shall be in a form suitable for execution by the Board of Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.

- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.

Q. Provisions for severability of any article.

R. Provisions for any additional agreements deemed necessary.

508.2 Execution

The final plan shall not be approved by the Board of Supervisors prior to the execution of this agreement, if so required by the Board of Supervisors.

ARTICLE VI

DESIGN STANDARDS AND SPECIFICATIONS

601 General Standards; Township Zoning Requirements

In addition to the standards in this Article VI, residential subdivisions and land developments shall be designed in accord with the applicable requirements of the Township Zoning Ordinance, including but not limited to §601, Land Conservation Overlay District, §602, Two-Family Dwellings, and §603 Multi-Family Dwellings.

601.1 Application

The standards and requirements contained in this Article shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Overfield Township Planning Committee and by the Overfield Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of Preliminary Plan application.

A. Planning

The development shall conform to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.

B. Reserved

C. Improvements, Specifications

Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Township, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.

D. Hazard Areas

Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.

E. Development Design, Neighboring Development

All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of traffic movement, drainage and other reasonable considerations.

F. Natural Features

Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings and stone walls, which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the local municipality, the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers. The Township may direct the Applicant to preserve trees, groves, topsoil, waterways, scenic points, historic sites, and other community assets or landmarks which are important to maintaining the integrity of the site.

G. Boundary Lines and Reserve Strips

Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

H. Water Frontage and Surface Drainage

The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the Pennsylvania Department of Environmental Protection, or other applicable state agencies.

I. Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the Township and the developer.

J. Walkways

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).

K. Storm Drainage

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Township.

601.2 Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the record plan.

601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township Engineer.

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, Wyoming County Department of Planning, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

- B. If there are no applicable Township or State regulations, the Township Planning Committee and/or the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

602 Blocks and Lots

602.1 Configuration

The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, open land requirements, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

602.2 Blocks

- A. Residential blocks shall have a maximum length of one thousand six hundred (1,600) feet.
- B. Commercial blocks shall have a maximum length of one thousand (1,000) feet.
- C. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

602.3 Lots

- A. Lot sizes and lot dimensions shall comply with the requirements of the Township Zoning Ordinance

- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the applicant shall so notify the Board of Supervisors of each Township affected so that an administrative agreement for the platting and taxing of lots between the Townships can be executed, if such agreement is necessary.

- C. All lots shall front on an approved street.

- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.

- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.

- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever five (5) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.

- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.

- H. Lots shall be laid out to the edge of any road, and lot lines along existing public or private roads shall be maintained as they exist.

- I. No corner lot shall have road frontage of less than one hundred (100) feet.

- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road edge or right-of-way lines.

603 Streets/Roads

- A. Every subdivision and land development shall have access to a public road.
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- B. 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, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by thorough traffic will be discouraged.
- C. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township.
- D. Proposed streets shall conform in all respects to the Township Comprehensive Plan.
- E. Proposed streets shall further conform to such County and State highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Township.

603.1 Topography

Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

603.2 Existing Access

Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §603 or shall otherwise be improved to such standards.

603.3 Street Continuation

Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

603.4 Subdivision Names and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas and all street names shall be subject to the approval of the Township for conformance with the 911

emergency call system. Four way street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

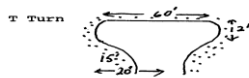
603.5 Further Subdivision

If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary. At least one right-of-way shall be reserved for each one thousand six hundred (1,600) feet of frontage on a public road or on a collector street within the subdivision in order to provide access to undeveloped land.

603.6 Cul-de-Sac Streets

Cul-de-sac streets shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets, and the Township shall have the right to deny the use of cul-de-sac streets in cases where the Township determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:

- A. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
- B. Any temporary dead end street, if no longer than two-hundred (200) feet or fronted by existing lots, shall be provided with a temporary all-weather turn-around, within the subdivision with a surfaced area equal in diameter to the total width at the street, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- C. Cul-de-sac streets, permanently designed as such, shall not serve more than eight (8) dwelling units. No street of less than two-hundred fifty (250) feet in length shall be accepted for dedication to the Township.
- D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum outside radius of fifty (50) feet and the outer pavement edge or curb line shall have a minimum radius of forty (40) feet and be improved to the required construction specifications. The following designs may be used in-lieu of the circular turnaround.



- E. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.

- F. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary line with sufficient additional width provided along the boundary line to permit extension of the street at full width.

603.7 Minimum Access Streets

Minimum access streets may be used to provide access to residential lots which do not front on a public or approved private road in accord with the following:

- A. The minimum access street serves no more than three (3) lots, including that lot fronting on the abutting street; and shall not exceed eight hundred (800) feet in length. Any subdivision proposing a road exceeding these limits shall be considered a major subdivision and all applicable standards shall apply to the lots and road construction.

- B. The minimum access street shall conform to the following: (See also Table VI-1 and Table VI-2):

Minimum right-of-way --- 20 feet

Minimum travelway ----- 12 feet.

The width of the minimum access street shall be excluded from the lot dimension for purposes of conformance to lot width and lot depth requirements.

- C. A minimum access street may be used only to provide access to not more than three (3) lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit, except in full accord with Township requirements.

- D. If there is a potential for re-subdivision of any of the lots created such that eventually more than three (3) lots might result, the Applicant shall provide additional street width as necessary to serve the maximum potential number of lots. Cartway and travelway widths may remain the same until such time as additional lots are platted when all development and road standards applicable to a major subdivision shall apply.

- E. The minimum access street and entrances or aprons within the adjoining street right-of-way shall be installed or guaranteed by the Developer and/or Applicant as required in this Ordinance prior to final approval of the plan. The minimum access street and associated improvements shall not under any circumstances be offered to the Township as a municipal road. The Applicant shall agree to the terms of this § 603.7 in writing and a covenant shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the minimum access street and establishing its future private ownership status.

- F. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the minimum access street intersects with the right-of-way of the adjoining road.

- G. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for the minimum access street intersection, and all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §603.14.

603.8 Intersections

- A. Center-lines of streets shall intersect as nearly at right angles as possible.
-

1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
- B. Intersections of more than two (2) streets at one (1) point are not permitted.
- C. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of the following between the center lines.
1. One hundred fifty (150) feet for minor streets.
 2. Four hundred (400) feet for collector streets.
- D. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets.
- E. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the fifty (50) foot standard shall be required.
- F. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- G. In cases where a subdivision road intersects with a Township road, the subdivision road, whether proposed for dedication or to remain private, shall be paved in accord with the requirements of the Township Road Dedication Ordinance for the applicable class of road for a distance not less than fifty (50) feet from the edge of the Township road right-of-way.

603.9 Major Street Frontage

Where a subdivision and/or land development abuts or contains an existing or proposed collector street, or Township, or State road, the Township may require access from interior subdivision streets or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the collector or public street and separation of local and through traffic.

603.10 Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections

Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table VI-1 and Table VI-2.

TABLE VI-1			
DESIGN STANDARDS FOR STREETS			
DESIGN SPECIFICATION	COLLECTOR [f]	MINOR	MINIMUM ACCESS [g]
Cross Section Standards			
Right-of-way width (feet) [a]	50	50	20
Additional road width [a]	as required for drainage, slope and utility easements		
Cartway width = travelway + shoulders (feet)	30	26	NA
Travelway width (feet)	22	18	12
Shoulder width - cut or fill (feet)	4	4	NA
Shoulder slope (inches per foot)	0.5		NA
Crown (inches per foot)	0.25		
Superelevation, maximum (feet per foot)	0.08		

Drainage swale minimum bottom width (inches)	18		
Geometric Standards			
Maximum grade (%)	7 [c] [e]	10 [d] [e]	16
Minimum center line radius for horizontal curves (ft) [b]	300	150	75
Minimum sight distance (ft)	300	200	100
Minimum tangents between curves (ft)	100	50	NA
Vertical curves	see §603.14		
<p>Notes:</p> <ul style="list-style-type: none"> a. Right-of-way width does not include slope, drainage or utility easements. Additional road width and cartway widths may be required by the Township to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements. b. Larger radii may be required as determined by alignment to provide required sight distances. c. 10% for up to 500 feet in distance. d. 12% for up to 500 feet in distance. e. The maximum grades in c. and d. above may be repeated if separated by distances of five hundred (500) feet meeting the standard grade requirements for the class of road. f. Collector standards apply to all commercial and industrial subdivisions and land developments. g. See also §603.7. 			

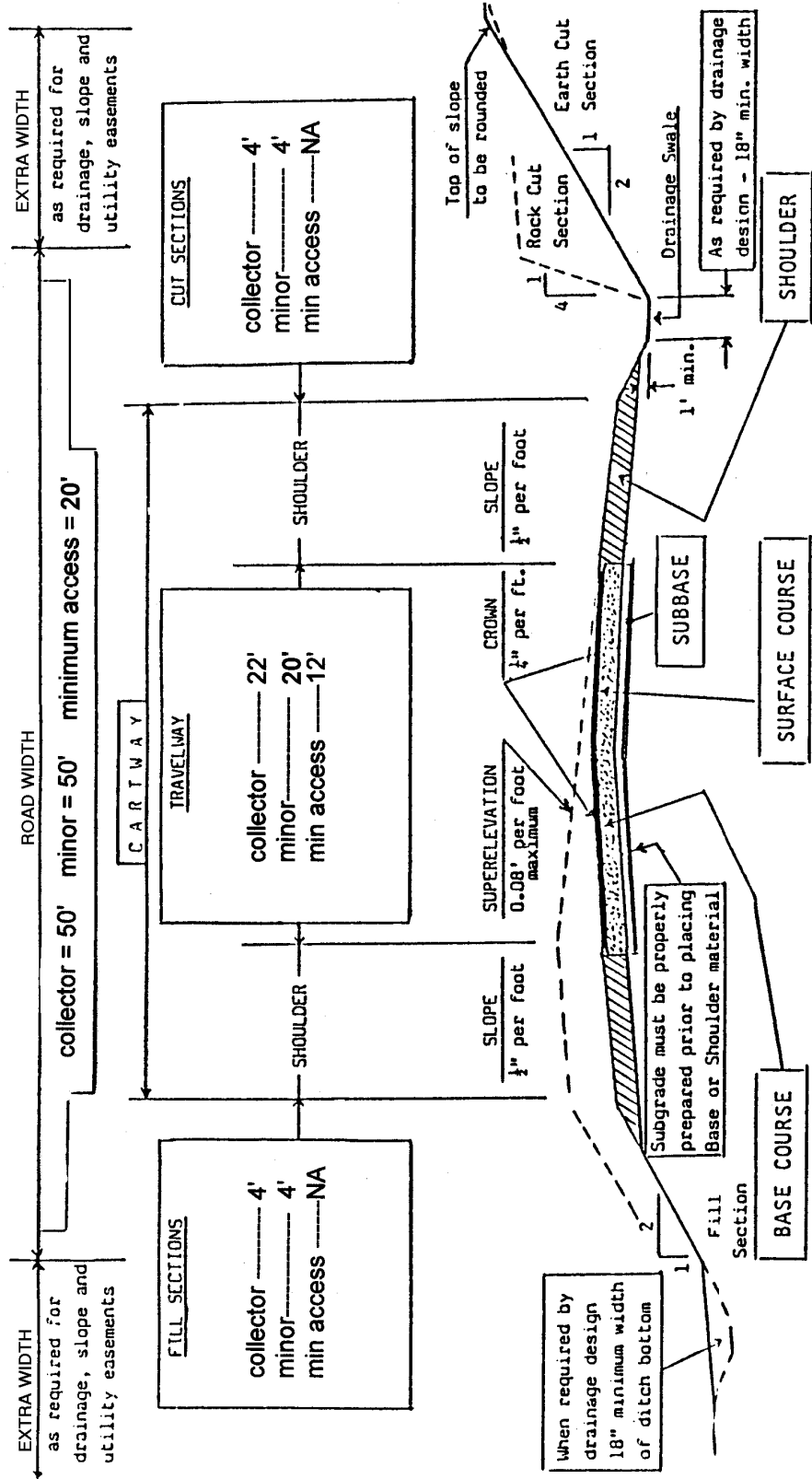


TABLE VI-2 TYPICAL STREET CROSS SECTION

TABLE VI-2 CONTINUED

TRAVELWAY CROSS SECTION				
COURSE	MATERIAL*	MINIMUM DEPTHS (inches)		
		ROAD CLASSIFICATION		
		Collector	Minor	Minimum Access
Surface	2A Coarse Aggregate**	NA	NA	6
Bituminous Surface	ID-2 Wearing	1.5	1.5	NA
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5	4.5	NA
Subbase	Subbase (No. 2A)	4	4	NA
Aggregate Base	AASHTO #1 Coarse Aggregate with #10 Choke	8	8	NA
SHOULDERS				
Type 4		4	4	NA
2A Coarse Aggregate**		NA	NA	NA
TRAVELWAY CROSS SECTION		MINIMUM DEPTHS (inches)		

Bituminous Surface	ID-2 Wearing	1.5
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5
Subbase	Subbase (No. 2A)	6
Shoulders	2A Coarse Aggregate**	6
<p>NOTES:</p> <p>* All material shall meet PennDOT specifications, Publication 408, latest edition.</p> <p>** 2A Coarse Aggregate = Coarse aggregate treated with MC-30 prime oil for dust control at an application rate of 0.35 gallons per square yard.</p>		

- A. Shoulder surfaces shall be graded at a slope one-half (0.5) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated, shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly superelevated cross-sections shall be required on collector streets when the curve radii are less than one-thousand five-hundred (1500) feet. The maximum permissible superelevation shall be 0.08 feet per foot.

603.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, and the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
2. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility. (Example: An access to a well lot would be part of the well lot and not a right-of-way across the adjoining building lot.)
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

1. Utility easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way in addition to the required street width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Existing and proposed utility easements shall be included in lot sizes unless otherwise restricted by the utility.

603.12 Street Alignment

Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one half (7 ½) degrees within five hundred (500) feet, connection shall be made by horizontal curves.
 - B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
-

1. Stopping Site Distance - Stopping sight distance is the length of highway over which an object is visible to the driver at all times. For the purpose of measuring the available stopping sight distance at a particular location, the driver's eye height is assumed to be three and one-half (3.5) feet above the roadway surface and the object height is assumed to be six (6) inches above the roadway surface.

2. Comer Site Distance - Comer site distance refers to the maximum length of highway along which a driver stopped at an intersection or driveway can continuously see another vehicle approaching on another roadway or driveway. For the purpose of measuring the available comer sight distance, the height of both the driver's eye and the approaching vehicle should be assumed to be three and one-half (3.5) feet above the roadway surface. In addition, the driver's eye should be assumed to be ten (10) feet from the near edge of the intersecting roadway or driveway or the near edge of the closest travel lane in the event there is parking permitted on the intersecting roadway or driveway.

C. Between curves the following minimum tangents shall be provided:

1. One hundred (100) feet on collector streets.
2. Fifty (50) feet on minor streets.

603.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.

- B. The maximum grade across the turnaround on a dead end street shall not exceed four (4) percent.

- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.

- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.

E. A leveling area for all street intersections shall be provided as follows:

1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for minor street or minimum access street intersections, and all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §603.14.

2. The tangent grade of the connecting street(s) shall not exceed three four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §603.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four (4) percent and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table VI-1.

 - B. On minor streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)

 - C. Except on minor streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)

 - D. The following vertical curve information should be shown on the plans:
 1. Length of vertical curve.
 2. Elevation and stationing of the VPI, VPC, VPT and MO.
-

603.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersecting streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.

- B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line:
 - a. One hundred seventy-five (175) feet from the intersection of such street center-lines if either street is a state or Township road.

 - b. One hundred twenty-five (125) feet from the intersection of such street center-lines if either street is a collector street.

 - c. Eighty-five (85) feet from the intersection of such street center-lines if both streets are minor streets.

 - d. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

603.16 Residential Driveways

This § 603.16 shall apply to lots in subdivisions approved after the effective date of this Ordinance. Driveways proposed for pre-existing lots and non-residential driveways shall be governed by other applicable Township and State requirements. Residential driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
-

- B. Lots shall not be platted which would result in driveways which would exceed sixteen (16) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the preliminary and final plans.
- E. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.		
	Township or State	Collector	Minor & Minimum Access
Residential	100 ft.	75 ft.	40 ft.

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- F. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- G. Adequate provision shall be made for parallel drainage facilities.

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with any state or federal requirements shall be provided. At a minimum, the width of the bridge or stream crossing shall be equal to the travelway width of the roadway carried by the bridge or stream crossing.

603.18 Clearing and Grubbing

The right-of-way for all collector, minor and minimum access roads shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township prior to the cut and fill operations.

603.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Board of Supervisors for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.

- C. All excavations and embankments shall have a slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.
- G. Fills shall be placed in lifts and compacted in accord with specifications of PennDOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner and the Board of Supervisors.
- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams and adequate provisions shall be made for the installation of culverts and bridges.

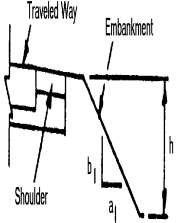
603.20 Sub-Grade, Base and Surface

- A. Subgrade
-

1. The design and construction of the roadbed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
 3. Unsuitable soils, as identified by the Project Engineer and confirmed by the Township Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Wyoming County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.
- B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Overfield Township.
- C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Overfield Township.
- D. Shoulders - Shoulders shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

603.21 Walls, Slopes, and Guide Rails

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.
 - B. Guide rails shall be installed at points where a road or required parking area will be constructed three (3) feet or more above existing grade or as otherwise determined by the Township Engineer in accord with the following Table.
-



EMBANKMENT SLOPE (S = a ₁ : b ₁)	EMBANKMENT HEIGHTS (h) IN FEET			
	AVERAGE DAILY TRAFFIC (ADT)			
	>5,000	751 - 5,000	401 - 750	_400
1 ½ : 1	4.0	6.0	9.0	17.0
2 : 1	8.0	10.0	16.0	31.0
2 ½ : 1	12.0	16.0	25.0	49.0
3 : 1 or flatter	GUIDE RAIL NOT REQUIRED			
ADT shall be determined by applying the most current trip generation rate per day per dwelling unit, based on the number of units served by the subject guide rail location. In the case of non-residential uses the most appropriate rates shall be used based on the use.				

All rates shall be taken from the most current edition of Trip Generation, Institute of Transportation Engineers.

603.22 Curbs and Gutters

- A. In commercial developments or where other similar intensive uses exist or are anticipated, curbs shall ordinarily be required if such construction is deemed necessary by the Board of Supervisors for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall be thirty (30) feet.
- C. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs may be of the wall type or may be combined with gutters built of concrete. Curbs, combined curbs and gutters, and graded gutters shall be constructed in accordance with the specifications and standards as adopted by the Township with the recommendation of the Township Engineer.

603.23 Walks

Pedestrian interior walks and crosswalks may be required where necessary to assist circulation or to provide access to community facilities. Such interior walks shall have an easement width of not less than ten (10) feet and be surfaced for not less than four (4) feet in width. Crosswalks shall be designated not less than four (4) feet in width. Construction and marking of crosswalks shall be in accord with generally accepted practices and shall be approved by the Township with the advice of the Township Engineer.

603.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with §906, and streets shall not be designed to accommodate on-street parking.

603.25 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §605 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than eighteen (18) inches in diameter. (See §605 for additional requirements.)

604 Monuments and Markers

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

604.1 Monuments

A. Monuments shall consist of either:

1. A two (2) inch (inside diameter) galvanized pipe filled with concrete and not less than thirty-six (36) inches in length (preferred 42" to 48").
2. A concrete cylinder four (4) inches in diameter and not less than thirty-six (36) inches in length (preferred 42" to 58") and containing metal adequate for location by a metal detector.
3. Bernstein monuments.

D. Such other monuments as the Planning Commission may approve.

B. Monuments shall be set two (2) inches above the finished grade of the surrounding ground.

- C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

- D. Monuments shall not be placed until road grading has been completed.

- E. Monuments shall be placed as follows:
 - 1. At all exterior property corners of the parcel proposed for development where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)

 - 2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Planning Commission. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.2 Markers

- A. Lot markers shall consist of either:
 - 1. Solid steel rods not less than three-fourths (3/4) inch in diameter and not less than twenty-four (24) inches in length.

 - 2. Steel pipes not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.

 - 3. Such other markers as the Planning Commission may approve.

 - B. Markers shall be set two (2) inches above the finish grade of the surrounding ground.
-

- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

- D. Markers shall not be placed until road grading has been completed.

- E. Lot markers shall be placed as follows:
 - 1. At all points where lot lines intersect street right-of-way lines.

 - 2. At all points where lot lines intersect exterior property lines.

 - 3. At all interior lot corners.

 - 4. At such other lot corners and locations as the Planning Commission may direct.

605 Stormwater and Drainage Control

605.1 Purpose and Stormwater Management Ordinance

- A. Generally - The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater flow to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

 - B. Storm Water Management Plans - In cases where the Township has adopted a special purpose ordinance governing stormwater management in accord with a watershed management plan approved by the PA Department of Environmental Protection under the terms of the Stormwater Management Act, the requirements of such ordinance shall apply to developments in that watershed in addition to the requirements of this Ordinance. In cases where two standards conflict, the more restrictive shall apply.
-

605.2 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments (except Minor Residential Land Developments) and shall be subject to the approval of the Township and Township Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Committee at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408 standards and the applicable PennDOT RC standards for construction.

605.3 Compliance with State Regulations

The Plan shall meet the intent of §13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.
- B. In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development. In addition to the ten (10) year storm, storms of less frequency shall also be controlled.
- C. The Board of Supervisors shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the

proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer. In any case where a bridge is constructed, the fifty (50) year design storm shall be used.

- D. The rate of runoff from any proposed development shall be subject to evaluation which includes the anticipated controlled or uncontrolled rate of runoff from other existing developments within the same watershed. Also, the rate of runoff from undeveloped land within the same watershed, which may be developed in the future, shall be subject to evaluation which includes the anticipated rate of runoff prior to development, since any developer of this land shall ensure that the rate of runoff from this land when developed shall not exceed that prior to development. Stormwater management facilities designed to serve more than one (1) property or development in the same watershed are encouraged, in which case consultation with the Township Engineer is required prior to design.

605.5 Additional Requirements

- F. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/ development. The developer shall include such requirements in the sales contract and in the deed restrictions.
- G. Natural drainage courses and points of natural drainage discharge shall not be altered.
- H. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- I. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Board of Supervisors adequate to preserve the unimpeded flow of natural

drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.

- J. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- K. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- L. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDOT Publication 408, latest edition.
- M. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- N. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- O. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- P. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.
- Q. **Stormwater Roof Drains-** Stormwater roof drains and pipes shall not discharge water directly onto the road surface or into a sanitary sewer system. This requirement shall be the obligation of the parties who shall erect structures on any parcel or lot within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.

- R. Unnatural Drainage- Wherever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the Commission. Recommendation for approval of plans by the Commission does not authorize or sanction drainage affecting adjoining properties.

- S. Drainage from Non-Natural Sources- Water originating from other than natural sources, such as air-conditioning units, swimming pools, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property, or into the storm drainage system. These facilities shall not discharge water directly on to a road surface. No discharge of toxic drainage will be permitted. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.

- T. Overflow System- An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe or ditch system is exceeded. The overflow system shall be of sufficient capacity to carry one hundred (100) year peak flow rates, The design and the capacity of the overflow system shall, however, be subject to the approval of the Township Engineer.

605.6 Stormwater Collection and Drain Systems

In cases where underground stormwater collection and drain systems are required or proposed, the following additional standards shall apply.

- A. Location- Wherever practicable, storm drains shall be located adjacent to the curb and within the right-of -way of the street; they shall be protected by a cover of at least eighteen (18) inches.

- B. Size and Grade- Storm drains shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of one-half of one percent (0.5%) unless otherwise approved by the Township Engineer.
- C. Manholes- Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than three hundred (300) feet apart on pipe of twenty-four (24) inches internal diameter or less, and not more than five hundred (500) feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose.
- D. Inlets- Inlet spacing shall be so arranged that ninety-five percent (95%) of the gutter flow will be captured. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately up from the inlet shall be so warped as to direct the water into the inlet.
- E. Castings- Manhole and inlet castings, together with their covers or gratings shall conform to the standards of the Pennsylvania Department of Transportation as may be in effect at the time the design is submitted.
- F. Design Flow Rate- The storm drain system shall be designed to carry a twenty-five (25) year peak flow rate. The design twenty-five (25) year peak flow rate into each inlet shall be determined by the rational formula $Q = CIA$. The Soil Conservation Service method of storm water computation is an acceptable alternative method.
- G. Pipe Capacity - The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:

United States Department of Commerce, Bureau of Public Roads

Hydraulic Engineering Circular No. 5

Hydraulic Charts for the Selection of Highway Culverts and Hydraulic Engineering Circular No. 10

Capacity Charts for the Hydraulic Design of Highway Culverts

- H. Match Crowns- The crowns of all pipes tying into an inlet or manhole shall be set at equal elevations.

605.7 Plan Requirements

The Stormwater Management Plan shall be prepared by a qualified professional as defined by this ordinance. The plan shall consist of two (2) parts.

A. Plan Part 1 - A narrative report for the review of proposed site plans, conditional uses, subdivisions, and zoning district amendments, if any. The narrative report shall be a general statement of the project giving the purpose and engineering assumptions and calculations for control measures and facilities. The following information shall be included:

1. General description of the project.
2. General description of accelerated runoff control plan.
3. General description of erosion and sedimentation control plan.
4. Expected project time schedule, including anticipated start and completion dates.
5. Project's stormwater district, location, and watershed characteristics.
6. On-site detention methods.
7. Hydraulic and hydrologic calculations, methodology and basis of design.

B. Plan Part 2 - Preliminary Plans - A comprehensive plan, in preliminary form, or in combined preliminary and final form, designed to safely handle the stormwater runoff, detain the increased stormwater runoff, and control erosion and sedimentation. The plan shall provide, and be accompanied by maps or other descriptive material indicating the feasibility of the plan and showing the following:

1. The extent and area of each watershed tributary to the existing and future drainage channels in the development.
 2. The street storm sewers and other storm drains to be built, the basis of their designs, and outfall and outlet locations and elevations, receiving streams or channel and its high water elevation, the functioning of drains during high water conditions.
 3. The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over-the-curb water resulting from the heavier rain storms and the outlets for such overflow.
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4. Existing streams and flood plains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.
5. Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of their design.
6. Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.
7. The estimated location and percentage of the total development of land area which will be used for impervious surfaces after construction is completed.
8. The slope, type, and size of all proposed existing sewer and other waterways.
9. All existing topographic conditions of the site, including elevations, watercourses, trees and other significant natural features.
10. All existing buildings, sewers, waterlines and other significant man-made features.
11. Estimated depth, shape, size and storage of any proposed retention facility.
12. One or more typical cross sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets and other utilities.
13. A site plan showing the dimensions of the site with existing and proposed structures properly located, together with contours of the terrain after proposed grading.

- 14 . All calculations, assumptions and criteria used in the design of the storm sewer system, detention facilities and sediment and erosion control operations.
- 15 . All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
- 16 . Locations, dimensions and design details required for the construction of all facilities.
- 17 . For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- 18 . For all detention basins, design hydrographs of inflow and outflow for the peak design flows from the site under natural and developed conditions.
- 19 . A description of operation for all detention basins.
- 20 . Contours of finished project site that adequately describe the final topography.
- 21 . The staging of earthmoving activities and program of operation.
- 22 . All information relative to the design and operation of emergency spillways.
- 23 . Emergency routing or outfall should be shown for storm runoff in the event of failure of offsite drainage structures.
- 24 . When major control facilities, such as retention basins are planned, soil structures and characteristics shall be investigated. Plans and data prepared by a licensed engineer or geologist with experience and education in soil mechanics shall be submitted. These submissions should consider and offer design solutions for frost-heave potential, shrink-swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.

- 25 . All erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate effectiveness of the plan.

- 26 . Project specification relative to stormwater control, erosion and sedimentation.

605.8 Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and the Township to provide for such maintenance and providing for inspections by the Township.

- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.

- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

- D. If the municipality determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the municipality may cause the work to be done and lien all costs against the property.

606 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Wyoming County Conservation District and PA DEP. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Wyoming County Conservation District. The Applicant shall submit the Plan to the Township

at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Township until all required approvals are obtained from the Wyoming County Conservation District.

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
 - B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
 - C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
 - D. In the case of utilization of a publically owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
 - E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
 - F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
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G. Pressure testing of all collection/conveyance of any central water supply or central sewage disposal system lines shall be required as part of the inspections required in accord with Article VI of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.

H. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

607.2 On-Site Water Supply

All on-site water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances. The requirement for the installation of on-lot wells shall be noted on the development plan and shall be required by restrictive covenant to be approved by the Township prior to preliminary plan approval.

607.3 Shared Water Supply

Shared water supply systems shall only be permitted to serve a minor (residential) land development or a non-residential land development and the standards in this §607.3 shall apply. In the case of non-residential land developments, the Township may, based on the nature and scale of development, apply any or all of the standards contained in §607.4 of this Ordinance.

607.3.1 Well Capacity - The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.

607.3.2 Water Distribution System

A. The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.

B. Pipe classes shall be consistent with design pressures.

C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.

D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

607.3.3 Other Standards - All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances.

607.4 Central Water Supply

607.4.1 Public Supply - If a central water system is proposed and an existing public or private central water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.

607.4.2 Project Supply - If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

607.4.3 Deep Well Source

- A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Groundwater Geologist.
- B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
- C. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.

- D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
- E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

607.4.4 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum or one (1) day's demand.
- E. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

607.4.5 Flow Rates

- A. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- B. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- C. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters Association.

607.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance and all other applicable standards.

- B. Site Suitability

- 1. All residential lots in developments proposing the use of on-site sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the Preliminary Plan and Final Plan.
- 2. Prior to any action on the Preliminary Plan by the Board of Supervisors, the Applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a **suitable area as tested by the Township SEO in accord with DEP requirements and this §607.5, or are already served by an adequate, existing sewage disposal system.**
- 3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

- C. System Maintenance - In order to extend the useful life of on-site sewage disposal systems and minimize on-site disposal system problems, the developer shall, for all subdivisions of ten (10) lots or more, provide for on-

site system maintenance via the creation of a Property Owners Association (POA). This requirement shall also apply to any subdivisions of less than ten (10) lots if a POA is otherwise required or proposed. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the on-site systems and the pumping of septic tanks at intervals of not less than three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this Subsection C shall be considered a violation of this Ordinance.

607.6 Central Sewage Disposal System

In addition to the following standards, the Township Sewage Facilities Ordinance shall govern all central sewage disposal facilities, as defined by the said Ordinance.

607.6.1 Public Sewage Disposal - If a central sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

607.6.2 Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

- A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.
- C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In

such instances, developers shall be financially responsible solely for those costs associated with their individual development.

- D. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

607.7 Community System Maintenance

In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less once every three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this §607.7 shall be considered a violation of this Ordinance.

608 Utilities

Telephone, electric, T.V. cable, and other such utilities shall be installed underground and shall be provided within the street right-of-way easements to be dedicated for such utilities, and in accordance with plans approved by the Township. Underground installation of the utility distribution and service lines shall be completed prior to street paving or any other installations such as gutters, curbing, and sidewalks which the developer may choose to install. A letter from each local utility evidencing its agreement to service the development shall be provided by the Applicant.

609 Shade Trees

In cases where the density of development or the lack of existing trees and vegetation dictate, the Township may require that shade trees planted by the developer along the road line of all streets within the development. Trees shall be of a species, size and number in accord with generally accepted shade tree standards as approved by the Board of Supervisors.

610 Street Lighting

Street lights may be required when considered necessary by the Board and shall be of such design and spacing as required by the Board in accord with Pennsylvania Power and Light Company or other generally accepted lighting standards.

611 Commercial and Industrial Subdivisions and Land Developments - see Article IX

612 Fire Fighting -- Adequate and Reliable Water Source

Each sub-division of five (5) or more lots shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the subdivision application. Such plans and installations shall be inspected by the Fire Department and shall be approved by the Board of Supervisors. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof. When utilizing an off-site water source, the developer shall secure a permanent contract with the source owner to provide said water. Water sources shall conform to the requirements set forth in this §612.

612.1 Pressurized System

When electing to use a pressurized water distribution system, the developer may use a gravity, direct pumping, or combination system. Regardless of the type of pressurized system installed, the system shall be installed in compliance with NFPA 24, unless the Township imposes other specific requirements.

- E. The flow capacity of the system shall such that it will maintain a delivery rate of one thousand (1,000) gallons per minute and forty (40) pounds per square inch residual pressure for a two-hour duration. No piping shall be used which is less than six (6) inches in diameter.

- F. Hydrants shall be of the dry barrel type with two (2), two and one-half- inch *nst* male discharges and one (1), four and one-half-inch male *nst* discharge. All discharges shall have caps installed. Hydrants shall not be set more than ten (10) feet from the road edge and shall have the four and one-half-inch connection facing the roadway. Each hydrant shall be equipped with a curb stop to allow for isolation of the hydrant. Fire hydrants shall be installed with a maximum spacing not to exceed eight hundred (800) feet. The Developer shall provide the Fire Department with a key to operate the curb stops. Hydrant bodies shall be painted bright yellow, with the bonnet and caps painted bright green.

- G. When pumps are used as part of the distribution system, a reserve power source shall be provided. This power source shall be designed to automatically start when primary power is lost. The Developer shall be

responsible to provide monthly maintenance and testing of the power system.

612.2 Static Water Sources

When electing to use a static water source, the Developer shall ensure that access to the water source is provided within two thousand (2,000) feet road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township imposes other specific requirements.

- U. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the two thousand-foot requirement.
- V. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head a with six-inch male *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
- W. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.
- X. The access road to the dry hydrant shall meet the requirements for minor roads contained in this Ordinance.

613 Land Conservation Development

All applications for land conservation development (often referred to as cluster development or open space development), as defined and regulated by the Township Zoning Ordinance, shall comply with all applicable

provisions of the Zoning Ordinance (see Zoning Ordinance §601) and this Subdivision and Land Development Ordinance.

614 Multi-Family Dwellings

In addition to the applicable requirements of this Ordinance, multi-family dwelling projects shall comply with §603 and all other applicable requirements of the Township Zoning Ordinance.

**ARTICLE VII
MOBILE HOME PARKS**

701 Application

In addition to the other applicable requirements in this Ordinance, development of new mobile home parks or expansions of existing mobile home parks shall meet the design standards and required improvements set forth in this Article VII and other applicable Township Ordinances.

702 Procedures

A mobile home park or expansion of a mobile home shall be considered a land development as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments in addition to the requirements of this Article VII.

703 Minimum Park Size

A mobile home park shall have a total contiguous land area of not less than five (5) acres.

704 Lot Size and Density

Mobile home parks shall be permitted and designed in accord with §607 of the Township Zoning Ordinance and shall comply with the additional requirements in this Article VII.

704.1 Lot Size

Each mobile home site shall have a minimum area of three thousand (3,000) square feet and maximum of seven thousand five hundred (7,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty (40) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

704.2 Density and Design

The total number of lots in any mobile home park shall not exceed a density of four (4) lots per acre. Density shall be calculated and the mobile home park shall be designed in accord with §607 of the Township Zoning Ordinance.

705 Standards

In addition to the other applicable standards contained in this Ordinance the standards in this §705 shall apply to all mobile home parks.

705.1 Location

- H. Floodplain - A mobile home park shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- I. Nuisances - The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- J. Slopes - Mobile home sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

705.2 Mobile Home Sites

Each mobile home lot shall contain only one (1) mobile home and shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

- H. Stability - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

- I. Anchors - The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

- J. Skirting - All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.

- K. Setbacks - Each mobile home shall be located not less than twenty (20) feet from the curb or edge of shoulder of any park street, and from any building or other mobile home; nor less than ten (10) feet from any side or rear mobile home lot line.

705.3 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. §606 of this Ordinance shall apply to all mobile home parks.

705.4 Stormwater/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of §605 of this Ordinance shall apply to all mobile home parks.

705.5 Setbacks, Buffer Strips and Screening

- I. Overall Property Line Setbacks - All mobile homes shall be located not less than seventy-five (75) feet from any existing public road right-of-way and not less than fifty (50) feet from other park property lines.

- J. Interior Setbacks - All mobile homes shall be located not less than twenty-five (25) feet from the right-of-way of any park street, common parking area or other common area or structure; fifteen (15) feet from any side or rear lot line; and fifty (50) feet from the normal high water mark of any lake, stream or other body of water.

- K. Accessory Structures - Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback areas, provided that no part of any accessory structure shall be located less than ten (10) feet from any side lot line and front and rear setbacks are maintained as required for the mobile home.

- L. Buffers and Screening - All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

705.6 Streets, Parking and Access

- Y. Streets - Mobile home park streets shall be provided, designed and constructed in accord with §603 and other applicable standards of this Ordinance. The Township shall not accept any mobile home park street for dedication.

- Z. Parking - To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight (8) percent and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

- AA. Access - There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.
- BB. Lot Frontage - Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.
- CC. Illumination - All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

705.7 Utilities

- I. Water Supply and Sewage Disposal - Mobile home parks shall be served by a central water supply and a central sewage disposal system as required by §607 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home lot.
- J. Electric, Telephone and Cable T.V. - All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.
- K. Central Fuel System - Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable state and federal regulations.

705.8 Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be

located not more than one hundred and fifty (150) feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

705.9 Recreation Area and Open Space

A minimum of five (5) percent of the project parcel area shall be provided as open space/recreation area, with a minimum of one-half (0.5) acre for all projects. In large projects a number of decentralized areas may be provided, however, in no case shall such areas be less than one-fourth (0.25) acres. The reserved open land shall be contiguous with the project parcel and shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10) percent slope and free of hazards to permit recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Township.

705.10 Landscaping and Outdoor Living Requirements

- A. Landscaping - Screen planting shall be provided to adequately and effectively screen objectionable views within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Township. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

- B. Private Area - Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of eight (8) feet.

706 Non-Residential Uses

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

707 Individual Mobile Homes

The installation of individual mobile homes not located in a mobile home park shall not require a mobile home park permit. However, a building permit shall be required for the installation of such homes, in accord with applicable Township ordinances and regulations. Individual mobile homes shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

708 Administration

708.1 Permits and License

- A. Initial Permit - No mobile home park shall be constructed, opened, altered or expanded without the approval of the Township pursuant to the procedures and standards of this Ordinance.
- B. License - In addition to the initial approval, an annual license shall be required for all mobile home parks. Upon approval of the entire Final Plan and payment of the required fees, the Board of Supervisors shall issue a mobile home park license to the owner which shall be valid for a period of one (1) year thereafter. Fees for the annual license shall be established by resolution of the Board of Supervisors.
- C. Posting of License - There shall be a building at every mobile home park in which the office of the person in charge of the park is located. It shall be the responsibility of the permittee to maintain in such office a copy of the license for the park, the mobile home park register, and one (1) set of the plans for the park, all of which shall be on display to the public.
- D. Renewal of License - A mobile home park license shall be valid for a one year period and may be renewed on an annual basis following an inspection by the Board of Supervisors or their designee to determine continued compliance with this Ordinance and any conditions of approval.
- E. Revocation of License - Any mobile home park license is subject to revocation for the violation of any

provision of this Ordinance, any condition of license approval, or any other Ordinance of the Township, or of any laws of the Commonwealth of Pennsylvania. If the Township determines a violation exists, the Township shall notify the license holder of said violation and the license holder shall thereafter correct the said violation as directed by the Board of Supervisors. If the license holder fails to correct the violation as required by the Township, the Township shall take action in accord with enforcement provisions of this Ordinance.

708.2 Responsibilities of License Holder

It is the duty of the license holder and of the individual in charge of any mobile home park to:

- A. Keep a register of the names and addresses of all occupants, which shall be open at all times to inspection by officers of the Township.
- B. Maintain the mobile home park in a clean, orderly, and sanitary condition at all times.
- C. See that the provisions of this Ordinance are complied with and report promptly to the proper authorities any violations of this Ordinance, or of any other law, that may come to their attention.

708.3 Compliance of Existing Mobile Home Park

- A. Application - The regulations of this Ordinance shall apply to all extensions or enlargements of existing mobile home parks, including cases where the number of mobile home lots is increased even though the total land of the park is not increased. These regulations shall apply in addition to any State requirements.
- B. Location - All new and replacement homes shall at a minimum comply with §705.2 and §705.5.
- C. License - Licenses shall be required for existing parks. Within six (6) months of the enactment of this Ordinance, every owner or operator of a mobile home park in the Township, shall, by letter, apply for a license to operate said park. Such application shall include a statement of the number of mobile homes presently placed in such park and shall be accompanied by a map showing rights-of-way, boundaries of the tract, acreage contained therein, the layout of streets and lots and existing community facilities. A license

to operate for one year shall be issued and regularly renewed regardless of non-conformities, so long as the total number of mobile home lots is not increased and provisions regarding replacement homes are followed.

708.4 Inspections

The Township Board of Supervisors, and other persons it may from time to time designate on its behalf, are hereby designated as inspectors for this Ordinance. Additional inspectors may be designated at the discretion of the Board of Supervisors.

**ARTICLE VIII
CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

800 General Applicability

In addition to the other applicable requirements in this Ordinance, the provisions in this Article VIII shall apply to any campground or recreational vehicle (RV) park in Overfield Township.

801 Campgrounds

801.1 Purpose

The purpose of this Article VIII is to assure that all campgrounds and RV parks constructed and operated in the Township are planned and developed so as to protect the health, safety and welfare of their inhabitants and of the residents of the Township. As used herein, *campground* shall also include *RV park*.

801.2 Occupancy

Campsites shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited.. Moreover, no campsite shall be occupied by more than twelve (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. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite by restrictive covenant.

In order to prevent permanent occupancy and limit maintenance and policing problems, continuous occupancy of any campsite by one party, vehicle or tent shall be limited to ninety (90) days. The licensee shall be responsible for enforcing this provision. When not in use, all recreational vehicles shall be removed to a common parking or storage area provided by the licensee. Every RV park except primitive type camping facilities shall provide such a common parking or storage area, which shall be improved with a hard surface and provide a minimum of five hundred (500) square feet of parking area per campsite created. This shall be considered common area and no more than two (2) such areas shall be created in any development. Recreational vehicles shall be kept in the common storage area at all times when not in use.

801.3 Records

The management of every campground 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. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors 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 campsite until the owners and/or management provide evidence of compliance with these provisions. If any campsite remains occupied seven (7) days following a Township order prohibiting occupancy, the vehicle or tent may be removed to the common storage area by order of the Board of Supervisors and at the expense of the individual occupant.

802 Procedures

802.1 Land Development

A campground or expansion of campground shall be considered a land development as defined by this Ordinance and the application for the development of a campground shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

802.2 Design

The design of the campground shall conform to the requirements of this Ordinance and/or applicable state requirements, whichever is greater or more restrictive.

803 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than five (5) acres.

804 Campsite Size, Density and Lot Width

804.1 RV Park

The minimum area of any campsite in an RV park shall be four thousand two hundred and fifty (4,250) square feet, and the gross density shall be no greater than five (5) campsites per acre. Gross density may be measured to include areas developed or planned for common property.

804.2 Primitive

The minimum area of any campsite in a primitive type camping facility shall be three thousand five hundred (3,500) square feet in recognition of the lesser impact on land disturbance of the natural environment that will be created as compared to sites for recreational vehicles. The gross density of such a development shall be no greater than seven (7) per acre.

804.3 Density Calculation and Design

Density shall be calculated and the RV park shall be designed in accord with §601.4 of the Township Zoning Ordinance using the density factors of this §804.

804.4 Lot Width

The minimum average lot width for each campsite in an RV camp shall be fifty (50) feet. The minimum average lot width for each campsite in a primitive type camping facility shall be forty-five (45) feet.

804.5 Improved Area

The area improved for camping sites shall not exceed fifty percent (50%) of the total gross area of the tract being developed as a campground.

805 Design Standards

In addition to the other applicable standards contained in this Ordinance, the design standards on this §805 shall apply to all campgrounds.

805.1 Location

- K. Floodplains - A campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- L. Nuisances - The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- M. Slopes - A campground shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

805.2 Soil and Ground Cover

- L. Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.
- M. Erosion Control - All areas of a campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the owner in such condition as to provide continued soil protection. §606 of this Ordinance shall apply to all campgrounds.

805.3 Stormwater/Drainage

Campgrounds shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of § 605 of this Ordinance shall apply to all campgrounds.

805.4 Setbacks, Buffer Strips and Screening

A. Overall Property Line Setbacks - No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the campground, or from a public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the campground to a height of six (6) feet from the adjacent lands and to serve as a buffer.

B. Interior Setbacks - No recreational vehicle or tent shall be placed on a campsite less than:

1. Twenty (20) feet from the front lot line
2. Twenty (20) feet from the rear lot line
3. Ten (10) feet from the side lot lines
4. One-hundred (100) feet from the normal high water mark of any lake, stream or other body of water.

805.5 Streets, Access and Parking

A. Streets

1. All two-way streets in campgrounds shall conform to the requirements for minor streets as established in Article VI.
2. One way streets shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width and shall otherwise conform to the standards for minor streets as established by Article VI.

3. No campground street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

B. Parking

1. Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
2. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.
3. All campsites designed for tenting may be provided with on-site parking spaces in accord with § 805.5.2,B or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.

C. Access - There shall generally be at least two (2) points of ingress and/or egress for each campground from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

D. Site Frontage - Campground sites and parking spaces shall have direct access to and frontage on the interior park street system. Campsites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the campground and providing access to other parcels or developments.

805.6 Water Supply and Sewage Disposal - Campgrounds shall be served by a central water supply and a central sewage disposal system in accord with § 607 of this Ordinance.

L. All campsites which are not provided with a connection to a central water supply and a central sewage

system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.

M. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

805.7 Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

805.8 Recreation Area

At least ten percent (10%) of the parcel shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval.

805.9 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by this Ordinance; and, shall at a minimum, provide for the stabilization of any areas on the project parcel where the earth is disturbed and document compliance with the Soil Erosion and Sedimentation Control Plan.

805.10 Other Requirements

There shall be provided in each campground such other improvements as the Board of Supervisors may require whereby such requirements shall at all times be in the best interest of the public health, safety and general welfare.

806 Non-residential Uses

No part of any campground shall be used for non-camping purposes, except such uses that are required for the direct servicing and well-being of the users of the campground and for the management and maintenance of the campground.

807 Other General Requirements

807.1 Fences

All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.

807.2 Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

807.3 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.

807.4 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 approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk on a campsite.

807.5 Camping Accessories

Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds (not exceeding 120 square feet in area), 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.

807.6 Ditches and Swales

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; and shall also prevent erosion on his campsite.

807.7 Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.

807.8 Appurtenances

No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to or be placed to serve any travel trailer or other recreational vehicle parked in a campground development, and the removal of wheels or placement of the unit on a foundation is prohibited.

808 Compliance of Existing Campgrounds

808.1 Existing

All the requirements of this Article VIII which govern the operation and/or maintenance of campgrounds and RV parks including but not limited to, occupancy, refuse collection, parking on campground streets, and the requirements of §807 shall apply to all existing campgrounds.

808.2 Expansions

The regulations of this Article VIII shall apply to any expansions of existing campgrounds, including increases in the number of campsites even though no addition to total land area is involved.

ARTICLE IX

LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

901 Land Developments and Commercial and Industrial Subdivisions

All land developments and commercial and industrial subdivisions shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article IX.

902 General Design and Site Standards

Commercial and industrial development areas shall be designed in consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Township.

903 Plans

Proposed plans shall be submitted by the developer showing all information necessary to demonstrate compliance with this Ordinance, including but not limited to:

- A. All information required by this Ordinance for major subdivisions and land developments.
- B. Location of all project improvements including:
 - 1. Buildings

2. Streets, access ways and parking areas
 3. Landscaping and planting strips
 4. Stormwater management facilities
 5. Water supply and distribution systems
 6. Sewage collection and treatment systems
 7. Street lighting and parking area lighting
 8. Building setbacks from property lines and other improvements shall be specifically shown
- C. Building construction specifications including floor plans and profiles and showing any common use or ownership areas.
- D. Construction specifications for all other project improvements.
- E. Designated open space areas.

904 Lots and Block Layout

904.1 Lots and Density

All developments proposed for commercial or industrial use shall conform with the provisions of this section.

- A. Lot sizes, lot dimensions, and building setbacks shall be governed by the Township Zoning Ordinance.

- B. Division of lots by municipal boundaries shall be avoided.

- C. All lots shall front on an approved street or access way. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.

- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.

- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.

- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.

- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.

- H. Lots shall be laid out to the center of any road, and lot lines along existing public or private roads shall be maintained as they exist.

- I. No corner lot shall have road frontage of less than one hundred (100) feet.

- J. All corner lots if they are located at the intersection of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road or road right-of-way lines.

904.2 Blocks; Unified Development

A. Blocks

Block layout shall be in accord with § 602.2.

B. Unified Development

Wherever possible, commercial and industrial parcels, shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

905 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of § 603 and shall be constructed to collector street standards as required in Table VI-1 and Table VI-2.

**ARTICLE X
ADMINISTRATION**

1001 Purpose

This Article X establishes the procedures for the amendment, administration and enforcement of this Ordinance.

1002 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

1003 Waivers/Modifications

1003.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

1003.2 Conditions

In granting waivers/modifications the Township may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

1003.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

The Board of Supervisors may refer the request for a waiver/modification to the Planning Committee for advisory comments.

1003.4 Action

If the Township denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Township shall keep a written record of all actions on all requests for waivers/modifications.

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

- A. In addition to other remedies, the Township 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 Township 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 this Ordinance. 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 or 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 who 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 Township 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.

- C. In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer, the Township shall have the authority to withhold

the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

1004.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township 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, the Township 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 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, 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 to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section, including but not limited to, injunctive relief.

1004.3 Jurisdiction

District justices shall have initial jurisdiction in proceedings brought under §1004.2.

1004.4 Transfer

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

1004.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7 of this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Wyoming County Recorder of Deeds.

1005 Fees

1005.1 Resolution

Fees shall be established by Resolution of the Board of Supervisors.

1005.2 Supplemental Fees

Prior to approval of the Preliminary application, the developer shall also pay to the Township a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the Township. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

1005.3 Final Fees

At the time of filing, the Final Application shall be accompanied by a check payable to the Township in an amount determined by the Township sufficient to cover the cost of:

- A. Reviewing engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.

F. Fees charged by the County Planning Commission and fees for other related consulting services.

1005.4 Adjustment

Prior to the final approval of any application, the Municipal Secretary will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

1005.5 Disputes

Disputes between the applicant and the township regarding fees shall be settled pursuant to §503(1) and 510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1006 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

**ARTICLE XI
ADOPTION**

This Ordinance ordained and enacted this _____ day of _____, 2000, by the Board of Supervisors of Overfield Township, Wyoming County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:

Township Secretary