

HAMILTON TOWNSHIP
SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE

HAMILTON TOWNSHIP SUPERVISORS
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HAMILTON TOWNSHIP
FRANKLIN COUNTY

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
NO. 2002-122

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AN ORDINANCE REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN HAMILTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA: REQUIRING THE SUBMITTAL OF SUBDIVISION AND LAND DEVELOPMENT PLANS FOR TOWNSHIP REVIEW: PRESCRIBING STANDARDS OF DESIGN, PLAN REQUIREMENTS, PLAN PROCESSING, IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS, AND CONDITIONS OF ACCEPTANCE OF PUBLIC IMPROVEMENTS.

The Board of Supervisors of Hamilton Township, Franklin County, Pennsylvania, does herein and hereby ordain that an ordinance regulating the subdivision and development of land within Hamilton Township, Franklin County, Pennsylvania; requiring the submittal of Subdivision and Land Development Plans for Township review; prescribing standards of design, plan requirements, plan processing procedures, improvement and construction requirements, and condition of acceptance of public improvements, is hereby ordained pursuant to the Pennsylvania Municipalities Planning Code, Act 247 effective January 1, 1969, (P.L. 805 July 31, 1968) as amended.

ARTICLE I
SHORT TITLE, PURPOSES AND INTERPRETATION

SECTION 100: Short Title.

This Ordinance may be cited as "The Hamilton Township Subdivision and Land Development Ordinance."

SECTION 101: PURPOSES.

This Ordinance has been prepared in accordance with the Pennsylvania Municipalities Planning Code (53 P.S. Section 10101 et seq., Act 247 of 1968, as amended) for the following purposes:

- A. To assure sites suitable for building purposes and human habitation.
- B. To assist orderly, efficient, integrated, and harmonious development of the Township.
- C. To coordinate proposed streets with existing streets or other proposed streets, parks, or other features of the Township.
- D. To provide adequate open spaces for traffic, recreation, light, and air and for the proper distribution of population.

- E. To ensure co-ordination of subdivision and land development plans with Township, Inter-Municipal, County and Commonwealth improvement plans.
- F. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
- G. To protect the social and economic stability of the Township, and conserve the value of the land and buildings in the Township.
- H. To create conditions favorable to the health, safety, and general welfare of the citizens of Hamilton Township.

SECTION 102: INTERPRETATION.

The provisions of this Ordinance shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provision of this Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provision of such statute, ordinance, or regulation shall prevail.

SECTION 103: SEVERABILITY

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

SECTION 104: JURISDICTION.

The Board of Supervisors shall have the jurisdiction of subdivision and land development within the Township limits. In order to aid the Board of Supervisors in its consideration of subdivisions and land developments, the Board of Supervisors hereby decrees that the Planning Commission of Hamilton Township shall serve the following functions:

- A. All plans, whether major or minor, upon submission to the duly authorized representative of the Township shall be referred to the Planning Commission for review.
- B. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification, and/or conditions for approval of such plans.
- C. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation of the granting of modifications to provisions and standards of this Ordinance.

ARTICLE II
DEFINITIONS

SECTION 200: GENERAL DEFINITIONS.

As used in this Ordinance, words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense, words used in the masculine gender include the feminine. The word "person" includes corporation, unincorporated association, and partnership, as well as an individual. The word "structure" includes the meaning of "building", and each shall be construed as if followed by the phrase "or part thereof".

SECTION 201: SPECIFIC DEFINITIONS.

The following words as used in this Ordinance shall have the meanings indicated below except to the extent they may conflict with the Pennsylvania Municipalities Planning Code (MPC), in which event the MPC shall control.

1. ACCELERATED EROSION:

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

2. ACT 247:

The Pennsylvania Municipalities Planning Code of 1968 as amended from time-to-time.

3. ACT 287:

Act 287 of 1974, as amended by Act 187 of 1996, the Pennsylvania One Call Notice requirement.

4. AIRPORT ELEVATION:

The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation of the Franklin County Regional Airport is 688 feet above sea level.

5. AIRPORT HAZARD:

Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

6. AIRPORT HAZARD AREA:

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

7. ALLEY (or SERVICE DRIVE):

A minor right-of-way, publicly owned, intended for private use of privately owned property, primarily for service access to the back or side of properties. Generally, Hamilton Township will not accept dedication of Alleys.

8. APPLICANT (see DEVELOPER and SUBDIVIDER):

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

9. APPLICATION FOR DEVELOPMENT:

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.

10. APPROACH SURFACE (ZONE):

An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

11. BLOCK:

An area bounded by streets.

12. BOARD:

The Board of Supervisors of Hamilton Township.

13. BUILDING:

Any structure for which a building permit is required, that is any combination of materials forming a structure which is erected on the ground or permanently affixed thereto for the shelter of persons, animals or property.

14. BUILDING SETBACK LINE:

An established line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way line of the street on which it fronts to provide the required front, side or rear yard.

15. BUFFER STRIP OR SCREEN:

Required yard space on which is located a visual barrier of sufficient height and density to appropriately block out the property or use.

16. CARTWAY:

That portion of a street or alley which is improved, designed, or intended for vehicular use.

17. CHAIRMAN:

The Chairman of the Hamilton Township Board of Supervisors or Planning Commission, as appropriate.

18. CISTERN:

A reservoir or tank for storing water.

19. CLEAR-SIGHT TRIANGLE:

A triangular-shaped portion of land established at street intersections or at driveway intersections with streets in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. A clear-sight triangle shall be defined as follows:

A. Intersecting Streets: A triangular area formed by measuring seventy-five (75) feet back along the centerline of each street from the point of intersection of the street centerlines.

B. Driveway Intersecting with a Street: A triangular area formed by measuring fifty (50) feet back along the centerline of the driveway from the point of intersection of the centerline of the driveway with the centerline of the street and measuring back along the centerline of the street seventy-five (75) feet from the point of intersection of the centerline of the driveway with the centerline of the street.

20. COMMISSION:

The Hamilton Township Planning Commission.

21. 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 and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

22. CONDOMINIUM:

A form of ownership of real estate as defined in the Pennsylvania Uniform Condominium Act of 1980, as from time-to-time amended, which includes an undivided interest in a portion of a parcel together with a separate interest in a space within a structure.

23. CONICAL SURFACE (ZONE):

An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

24. CROSS-WALK:

A right-of-way publicly or privately owned, intended to furnish access for pedestrians.

25. CULVERT:

An enclosed conduit for transporting water under roads, driveways, etc.

26. CUT:

An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

27. DECISION:

Final adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Franklin County.

28. DEPARTMENT:

Pennsylvania Department of Transportation.

29. DESIGN STORM:

The magnitude or precipitation from a storm event measured in probability of occurrence (e.g. 50 year storm) and duration (e.g. 24 hour) and used in computing storm water management control systems.

30. DETENTION BASIN:

A structure designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. This facility is designed to hold runoff for a period of time sufficient to cause the disposition of sediment and to reduce velocity and volume of surface flows leaving a site, and to drain completely after a storm event.

31. DETERMINATION:

Final action by an officer, body or agency charged with the administration of any Township ordinance or applications thereunder except the Hamilton Township Board of Supervisors.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

32. DEVELOPER:

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

33. DEVELOPMENT AGREEMENT:

A written contract between the Applicant (or Developer/ Subdivider) and the Township specifying conditions of final approval by the Township.

34. DEVELOPMENT PLAN:

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

35. DISTURBED AREA:

An area of land subject to earthmoving activities.

36. DIVERSION TERRACE:

A channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

37. DRAINAGE EASEMENT:

A right-of-way granted by a landowner to a grantee, allowing the use of private land for storm water drainage purposes.

38. DRIVEWAY:

A private means of vehicular access from a public or private street to a house or garage on a single lot and located entirely on the lot being served,

39. DWELLING:

A building designed for residential purposes and used as living quarters for one or more persons.

40. DWELLING UNIT:

One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family or a single household.

41. DWELLING, SINGLE FAMILY, DETACHED:

A building used by one (1) family, having one (1) dwelling unit, and having two (2) side yards.

42. DWELLING, SINGLE FAMILY, SEMI-DETACHED:

A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

43. DWELLING, SINGLE FAMILY, ATTACHED (Also Known as ROW or TOWNHOUSE):

A building used by one (1) family, and having two (2) party walls in common with other buildings, excepting end units in a structure which may have one (1) party wall and one (1) side yard.

44. DWELLING, TWO FAMILY DETACHED:

A building used by two (2) families, with one (1) dwelling unit arranged over the other, having two (2) side yards or one (1) lot with open space on all sides.

45. DWELLING, TWO FAMILY, SEMI-DETACHED (Also Known as DUPLEX or HOUSE):

A building used by two (2) families, with one (1) dwelling unit arranged over the other, having one side yard and one party wall in common with another building.

46. DWELLING, MULTI-FAMILY (Also Known as APARTMENT HOUSE):

A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

47. EARTHMOVING ACTIVITY:

Activity resulting in the movement of earth or the stripping of vegetable cover from the earth.

48. EASEMENT, CONSERVATION:

A legal agreement between property owner and appropriate organization of government, through which certain use restrictions overall or of a property are established for conservation purposes.

49. EASEMENT UTILITY:

A right-of-way granted for limited use of land for public or quasi-public purpose for the installation, maintenance or removal of utility services, including but not limited to electric, water, sewer, gas and/or storm water facilities.

50. EASEMENT:

A permanent right granted for limited use of private and normally for a public purpose (access, drainage, utility, conservation).

51. ENGINEER:

A Registered Professional Engineer in Pennsylvania duly designated by the Township to perform the duties of the Township Engineer as herein specified, or one who prepares the plan for the applicant, developer or subdivider.

52. ENGINEERING SPECIFICATIONS:

The Engineering Specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

53. EROSION:

The removal of soil particles by the action of water, wind, ice or other geological agents.

54. EXCAVATION:

Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

55. FAA:

Federal Aviation Administration of the United States Department of Transportation.

56. FILL:

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

57. FLAG LOT:

A lot whose frontage does not satisfy the minimum width requirement but does have sufficient lot width away from the lot's frontage.

58. FLOOD FRINGE:

That portion of the flood plain outside the floodway.

59. FLOOD, ONE HUNDRED YEAR:

A flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year); for purposes of this Ordinance, the Regulatory Flood.

60. FLOOD PLAIN:

The low land area adjoining and including a water body or water course which is subject to partial or complete inundation by a flood having a frequency of recurrence of one percent (1%) or a 100 year magnitude.

61. FLOOD WAY:

The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

62. GOVERNING BODY:

The Board of Supervisors of Hamilton Township.

63. GROUNDWATER RECHARGE:

Replenishment of existing natural underground water supplies.

64. GUARANTEE MAINTENANCE:

Any security which may be required of a developer by the Township after final acceptance of improvements installed by the developer in order to insure future maintenance of the development for up to eighteen months. Such security may include, but is not limited to Federal or Commonwealth lending institution irrevocable letters of credit or restrictive escrow account amounting to no more than 10 percent of the contracted amount for said improvements.

65. GUARANTEE, PERFORMANCE:

Any security which may be required of a developer by the Township in lieu of a requirement that certain improvements be made before final plan approval by the Township.

66. HEIGHT:

For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

67. HORIZONTAL SURFACE (ZONE):

An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

68. HYDRAULIC CHARACTERISTICS:

The features of a watercourse which determine its water conveyance capacity.

69. HYDROLOGY:

Properties, distribution and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere.

70. HYDROGRAPH:

A plot of the discharge of stream flow or runoff versus time.

71. IMPERVIOUS SURFACE:

Material which resists the penetration of water or other liquids and is unable to absorb water.

72. IMPROVEMENTS:

Streets, curbs, gutters, street lights and signs, water mains, hydrants, sanitary and storm sewer lines and structures, walkways, recreation facilities, shade trees, buffer or screen plantings, other additions to a property required by Ordinance or necessary to result in a complete subdivision or land development in the fullest sense of the term.

73. INFILTRATION STRUCTURES:

A structure designed to direct runoff into the ground, e.g. French Drains, seepage pits, seepage trench, etc.

74. LAND DEVELOPMENT:

Land development shall include any or all of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants for tenure, or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. The foregoing notwithstanding, there shall be excluded from the definition of land development the following development activities:

- (1) 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;
- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

76. LANE, ACCELERATION OR DECELERATION:

A lane of the cartway intended for use by a vehicle entering, leaving or crossing a lane of forward travel without interrupting traffic flow.

77. LARGER THAN UTILITY RUNWAY:

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

78. LOT:

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

79. LOT AREA:

The area contained within the property lines of a lot as defined in the deed, or lease, excluding space within any right-of-way, but including the area of any easement. Said area shall be determined from an actual site survey.

80. LOT, CORNER:

A lot at the junction of and abutting two or more intersecting streets.

81. LOT, INTERIOR:

A lot which does not adjoin a street but is connected thereto by an access drive or private right-of-way.

82. LOT REVERSE FRONTAGE:

A lot extending between, and having frontage on an arterial or collector street and a minor street, and with vehicular access solely from the latter.

83. LOT, THROUGH OR DOUBLE FRONTAGE:

A lot with front and rear street frontage.

84. LOT WIDTH:

The horizontal distance between side lot lines.

85. MEDIATION:

A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

86. MUNICIPALITY:

The Township of Hamilton.

87. MANUFACTURED HOUSING:

Any housing unit constructed within a factory and delivered wholly or in part (i.e. including modular units and doublewides) to a site and ready for occupancy with a minimum amount of assembly or set-up. This includes HUD Code Manufactured Homes and Mobile Homes.

88. MOBILEHOME:

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, including any building addition or accessory structure. All mobilehomes shall meet construction standards set down by the U. S. Department of Housing and Urban Development.

89. MOBILEHOME LOT:

A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

90. MOBILEHOME PARK:

A parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for non-transient use, consisting of two or more mobilehomes.

91. MONUMENT:

A tapered, permanent survey reference point of stone or concrete having a round top of 4" on each side with a length of 24".

92. NONCONFORMING USE:

Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

93. NON-PRECISION INSTRUMENT RUNWAY:

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

94. NURSERY:

A tract of land on which trees and plants are raised or stored for transplanting and sale.

95. OBSTRUCTION:

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

96. OPEN SPACE, COMMON:

Land or water or a combination of both, within a development and designed and intended for use and enjoyment for residents of the development, excluding streets, parking, public facilities, and private yards.

97. OUTLET CONTROL STRUCTURE:

A structure designed to control the volume of storm water runoff that passes through it during a specific length of time.

98. PEAK DISCHARGE:

The maximum rate of flow of water at a given point and time resulting from a predetermined storm.

99. PERSON:

Any individual or group of individuals joined together for some common purpose; partnership or corporation.

100. PLAN:

- A. As Built - A corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.
- B. Final - An exact and complete site design and layout plan and improvements construction plan 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," or the act of January 24, 1966 (1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act.
- C. Improvements Construction- A component of the preliminary and final plan, 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," or the act of January 24, 1966 (1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act. This will show the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required, including a horizontal plan, profiles, and cross-sections.
- D. Preliminary - A site design and layout plan and improvements construction plan 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," or the act of January 24, 1966 (1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act. This will be in less detail than a final plan and prepared for consideration prior to submission of a Final Plan.
- E. Recorded - A final Plan, with accompanying documents as required by this Ordinance, which has been recorded by the applicant in the office of the Recorder of Deeds of Franklin County.
- F. Site Design and Layout - A component of the Preliminary and Final Plan, 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," or the act of January 24, 1966

(1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act. This will show property lines, existing and proposed streets, lots, buildings, public areas, drainage facilities, easements, and other details pertinent to the proposal.

G. Sketch - A plan submitted, at the applicant's option, for review and discussion prior to application for preliminary or final plan approval, including whatever information the applicant deems useful; for example, a graphic plan, not necessarily to scale, showing approximate tract boundaries and a general layout of lots, buildings, and streets.

101. PLANNING AGENCY:

A planning commission, planning department, or a planning committee of the governing body.

102. PLAT:

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

103. PRECISION INSTRUMENT RUNWAY:

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

104. PRIMARY SURFACE (ZONE):

An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

105. PUBLIC GROUNDS:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

106. 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 the requirements of the Municipalities Planning Code.

107. PUBLIC MEETING:

A forum held pursuant to notice under the act of July 2, 1985 (P.L. 388, No. 84), known as the "Sunshine Act."

108. PUBLIC NOTICE:

Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 prior to the date of the hearing.

109. REPORT:

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

110. RESUBDIVISION:

A change in map of an approved or recorded subdivision plat, if such change affects any street layout, public use area or property lot line; or it affects any plan or deed legally recorded prior to the adoption of this Ordinance.

111. RETENTION BASIN:

A reservoir or pond containing a permanent pool of water and designed to retard storm water runoff by temporarily storing the runoff and releasing it as a predetermined rate. Unlike a detention basin, it always contains water.

112. RIGHT-OF-WAY:

A public or private thoroughfare of land area reserved or dedicated for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, crosswalk or for any other public purpose.

113. RUNOFF:

That part of precipitation which flows over the land.

114. RUNOFF CHARACTERISTICS:

The surface components of any watershed which, either individually or in any combination thereof, directly affect the rate, amount and direction of storm water runoff. These may include, but are not limited to vegetation, soils, slopes and any type of manmade landscape alterations.

115. RUNWAY:

A defined area of an airport prepared for landing and takeoff of aircraft along its length.

116. SCS:

Soil Conservation Service, U.S. Department of Agriculture.

117. SEDIMENT:

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

118. SEDIMENT BASIN:

A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other storm water transported material.

119. SEDIMENTATION:

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

120. SEEPAGE PIT\SEEPAGE TRENCH:

An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

121. SEMI-PERVIOUS SURFACE:

A surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.

122. SEWAGE FACILITIES:

- A. Individual System - The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means, approved by the Hamilton Township Sewage Enforcement Officer, and generally within the confines of the lot on which the use is located.
- B. Community System - A sanitary sewage system, privately built and operated, in which sewage is carried from individual discharges by a system of pipes to one or more common treatment and disposal facilities. Treatment and disposal may occur either on-site or off-site, and shall be approved by the Pennsylvania Department of Environmental Protection.
- C. Public System - A system for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly-operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

123. SHOULDERS:

The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency use or parking, or for lateral support of base and surface courses of the pavement.

124. 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 or other physical features.

- A. Object Sight Distance - Shall be measured from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of the road surface.
- B. Vehicle Sight Distance - Shall be measured from one point 4.5' above the centerline of a road surface to another point 4.5' above the centerline of a road surface.

125. SLOPE:

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

126. SOIL-COVER COMPLEX METHOD:

A method of runoff computation developed by Soil Conservation Service, U.S. Department of Agriculture (SCS).

127. SOIL STABILIZATION:

Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

128. STORM SEWER:

A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

129. STORMWATER:

Water which surfaces, flows, or collects during the period subsequent to rainfall or snow melt.

130. STORMWATER MANAGEMENT PLAN:

The plan for managing stormwater runoff designed specifically for Hamilton Township in accordance with Franklin County guidelines and the Stormwater Management Act of October 4, 1978 (Act 167) as amended from time-to-time. All subdivision and land development plans shall comply with the design and construction standards therein.

131. STREET:

A right-of-way intended for general public use to provide means of approach for vehicles and pedestrians including avenue, boulevard, road, highway, freeway, parkway, lane, alley, and viaduct, whether public or private.

A. Arterial - A street serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

(1) Principal - An arterial serving the heaviest volumes of traffic in the Township, providing the highest degree of vehicular mobility, and involving controls on access.

- (2) Minor - An arterial serving high volumes of traffic, providing a high degree of mobility, and involving some controls on access.
- B. Collector - A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to major streets and/or a street used for access to non-residential properties, i.e. commercial, industrial, professional, etc.
- (1) Major - A collector serving moderate levels of traffic within the Township, providing a mix of access and mobility, and linking neighborhoods.
- (2) Minor - A collector serving lower amounts of traffic, providing relatively more access than mobility, and serving as a major road through identifiable neighborhoods.
- C. Cul-De-Sac Street - A local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround. Half-moon cul-de-sacs are not authorized.
- D. Local Street - A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- E. Private Street - A local street, serving only abutting lots, that is not offered or required to be offered for dedication.
- F. Service Street (Alley) - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- G. Single-Access Street - A local street, including but not limited to, a cul-de-sac or loop design, which has only one point of intersection with an existing Township or State Road or with a proposed road having more than one access point.
- H. Marginal-Access Street - A local street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

132. STRUCTURE:

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

133. SUBDIVISION:

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership for building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. There shall also be exempted from the provisions of this Ordinance the sale from a larger tract of land of one lot having a maximum lot area of 12,000 square feet provided there has been no other subdivision of said larger tract since 1965.

134. SUBDIVIDER:

The Owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this Ordinance.

135. SUBSTANTIALLY COMPLETED:

Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 410) 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.

136. SURVEYOR:

A Registered Land Surveyor licensed in Pennsylvania.

137. SWALE:

A low lying stretch of land characterized by a depression used to carry surface water runoff.

138. TOP SOIL:

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

139. TOWNSHIP:

The Township of Hamilton, Franklin County, Pennsylvania, and/or the Board of Supervisors of said Township.

140. TRANSITIONAL SURFACE (ZONE):

An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

141. TREE:

Any object of natural growth.

142. UNDEVELOPED LAND:

Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

143. UTILITY RUNWAY:

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

144. VISUAL RUNWAY:

A runway intended solely for the operation of aircraft using visual approach procedures.

145. WATERCOURSE:

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

146. WATER SUPPLY:

- A. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well located on the land of the user.
- B. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site. A central system can be further described as either of the following:
 1. Public Water Supply System - A system which is owned by a municipality, a public company, or a private company which serves more than a single community or subdivision and may be interconnected with other water supply systems.

2. Community Water Supply System - A system which is owned by a municipality, a public company, or a private company and which serves a single community or subdivision and is not interconnected with any other water supply system.

147. WATER SURVEY:

An inventory of the source, quality, yield and use of groundwater and surface-water resources within a municipality.

ARTICLE III
SUBDIVISION AND LAND DEVELOPMENT CONTROL

SECTION 300: SUBDIVISION AND LAND DEVELOPMENT CONTROL.

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

No lot in any subdivision or portion of any land development may be sold, and no permit may be issued for the erection, altering or repairing of any building upon any land in a subdivision, and no building may be erected in any subdivision nor shall public utility services be extended to any lot in any said subdivision unless and until the same have been properly approved by the Hamilton Township Supervisors in accord with the provisions of this Ordinance and no subdivision or land development plan shall be recorded for any lot, tract or parcel of land within Hamilton Township until said plans shall have been approved by the Hamilton Township Supervisors pursuant to the terms of this Ordinance and said approval shall have been properly indicated thereon by the Township Secretary.

SECTION 301: SPECIAL EXCEPTIONS.

In any case where, owing to unique conditions, literal enforcement of the provisions of this Ordinance would result in undue hardship, the Township Supervisors may make such reasonable exceptions as will not be contrary to the public interest or the intent of this Ordinance. Such exceptions may permit the sale of a lot, the issuance of a permit, the erection of a building, or the extension of public utility service subject to such conditions as may be necessary to assure that the intent of this Ordinance is met. No subdivider whose land has been platted into lots; approved by the Township Supervisors, and recorded in the office of the Recorder of Deeds for Franklin County, on the effective date hereof, shall be bound by the provisions of this Ordinance as long as no further subdivision of any lot is made whereby any lot is reduced in size or frontage.

ARTICLE IV
GENERAL PROCEDURE AND JURISDICTION

SECTION 400: PLAN APPROVING AUTHORITY.

All subdivision and land development plans shall be finally approved or rejected by the Hamilton Township Board of Supervisors. However, prior to action by the Board of Supervisors, all such plans shall be referred to the Township Planning Commission for review and recommendation. The foregoing notwithstanding, the failure to make such referral and/or the failure of the Planning Commission to review and/or make a recommendation with respect to any such plan shall not affect the validity of any action taken by the Board of Supervisors with respect to any such plans.

In the event any Plan submitted to the Township Supervisors is disapproved or is approved subject to certain modifications or conditions, the reasons for disapproval or for requiring modifications or conditions shall be set forth in writing to the applicant.

SECTION 401: SUBMISSION OF PLANS.

The following procedures shall be followed in the submission and processing of subdivision plans for proposed subdivisions and land developments:

- A. The Subdivider shall sign a subdivision approval application and submit the documents required in Section 405 to the Township Supervisors at least seven (7) calendar days prior to the next regular meeting of the Planning Commission.
- B. The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the subdivision plan, unless excused by the Commission.
- C. The Planning Commission review shall consider the practicability of the subdivision plan taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, storm water drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of this Ordinance.
- D. After review of the comments, if any, of the Franklin County Planning Commission and the Township Planning Commission, the Township Supervisors shall render their decision and communicate it to the subdivider, or his representative, not later than ninety (90) days following the date of the regular meeting of the Hamilton Township Planning Commission next following the date the application is filed or after a final order of court remanding the application, provided, however, that should the said next regular meeting occur more than thirty (30) days following the filing of the application, or the final order of the court, the said ninety (90) day period

shall be measured from the 30th day following the day the application was received by Hamilton Township. Subdivision applications will not be ready for consideration at the first meeting of the Township Planning Commission immediately following their filing unless they are submitted at least fourteen (14) calendar days prior to the next regularly scheduled Planning Commission meeting and accompanied by the required fee (as set by resolution of the Township Supervisors) together with all data required by Section 405 of this ordinance. Subdivision and Land Development applications shall be filed with the Township Supervisors.

SECTION 402: OPTIONAL SKETCH PLANS.

- A. Prior to the filing of an application for review and approval of a subdivision or land development plan, the subdivider or developer as the case may be, may, at his option, submit a sketch plan to the Planning Commission or the Supervisors for the purpose of preliminary discussion relating to requirements of this Ordinance. The sketch plan is not considered a subdivision or land development plan and no official action shall be taken relating to the same.
- B. The Sketch Plan should be based upon an accurate base map (USGS Map, Floodplain Map, Road Map) but need not be drawn professionally or to scale. The entire tract shall be illustrated and the potential subdivider or developer should be prepared to consult with the Planning Commission or Supervisors on the following factors:
 - (1) The suitability of the site for development.
 - (2) The accessibility of the site.
 - (3) The availability of public facilities and public services (schools, parks, water, sanitary, and storm sewage, police, fire, refuse disposal, etc.).
 - (4) The effect on the project of any contemplated improvements by the Township or others or other applicable Township Regulations.
 - (5) Sewage facilities requirements of the Department of Environmental Protection and the Township Sewage Enforcement Officer or Municipal Authority.
 - (6) Erosion and Sedimentation Plans and Permits as required by the Department of Environmental Protection and as reviewed by the Franklin County Conservation District.
 - (7) Precautionary measures to preserve or protect historic and natural features.
 - (8) Approvals by all appropriate State and Federal Agencies.

SECTION 403: OPTIONAL PRELIMINARY APPROVAL.

- A. A subdivider or developer who has met all the requirements for the subdivision or land development approval except the construction of public works or the posting of security therefore, may request preliminary subdivision or land development approval from the Township Supervisors.
- B. The Township Supervisors may grant preliminary approval. If preliminary approval is granted, then such approval shall guarantee to the subdivider or developer that if, within five (5) years from the date of the approval, the required public works have been constructed in accordance with Township specifications, or security posted in accordance with Section 410, and provided all requirements contained in the preliminary approval are met, the Township Supervisors will give final approval to the plan without any additional requirements being imposed.
- C. Where the required improvements have been substantially completed as depicted on the final plat within the aforesaid 5-year limit, or any extension thereof as may be granted by the Township, no change of Township Ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plan pertaining to density, lot, building, street or utility location.
- D. In the case of a preliminary plat calling for the installation of improvements beyond the five-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 Township in its discretion.
- E. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) 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.
- F. 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 years shall apply and for any section or sections beyond the initial section, in which the required improvements have not been substantially completed within said five year period, the aforesaid protection shall apply for an additional term or terms of three years from the date of final plat approval for each section.

- G. Failure of landowner to adhere to the aforesaid schedule of submission final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.
- H. Subdivided lots may not be sold until final subdivision plan approval has been given by the Township Supervisors and the final plan has been properly recorded in the office of the Register and Recorder for Franklin County.

SECTION 404: REVIEW OF SKETCH PLAN.

- A. The Planning Commission shall, at a meeting with the applicant, consider the suitability of the Sketch Plan for the development of the land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing. Based on this meeting, the Planning Commission shall submit its comments to the applicant. The failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any application, subdivision, or land development or to vest any rights in the applicant.
- B. The applicant may, but need not, request further review of the Sketch Plan by the Township Supervisors. If further review is requested, the Township Supervisors may consider the Sketch Plan, also the written or other comments of the Planning Commission and may meet with the applicant and may advise the applicant as to their comments with respect to the Sketch Plan. The Board is not required to review the Sketch Plan nor to submit comments to the applicant.
- C. Nothing herein contained, not the failure of the Planning Commission nor the Board, nor both, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights in the applicant.

SECTION 405: SUBMISSION OF PRELIMINARY PLAN.

- A. All Preliminary Plans submitted pursuant to this Ordinance shall conform to the requirements of this Ordinance and shall, in addition, conform to such administrative regulations of the Board as may have been adopted by the Board at any time or from time-to-time and at the time such submission is initiated. All submissions shall be on the form promulgated by the Township for the submission or subdivision of land development plans.
- B. Official submission of a Preliminary Plan to the Township shall consist of:
 - (1) Two (2) copies of the application for preliminary subdivision or land development plan approval on the form promulgated by the Township for this purpose.

(2) Ten (10) copies (as specified on the application form) of the Preliminary Plan and all supporting plans and information to enable proper distribution and review, as required by the Board.

(3) Payment of application fees.

C. Copies of the Preliminary Plan and all required supplemental data initially shall be submitted to the Township Secretary, together with the required fees established in accordance with the terms of this Ordinance. The Secretary shall note the date of receipt of the application, and fees. The application shall not be deemed to be submitted until a complete application and the required fees have been submitted. The said Secretary shall make a preliminary review of the application. If the Secretary determines that the application is defective on its face, the Secretary shall notify the applicant, who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing and shall be deemed to be a withdrawal of the application.

D. Upon submission of a complete application, together with all required fees, the Township shall accept the application, plans, and other required materials as filed, and shall transmit the requisite number of copies of the plans and other required materials to the Township Planning Commission and the Township Engineer. In addition, copies shall be transmitted to:

(1) Franklin County Planning Commission (1 copy and referral letter).

(2) Hamilton Township Municipal Authority/Sewage Enforcement Officer, whichever is applicable, (2 copies and referral letter) for review of matters relating to adequacy of the site to sustain on-site or central water and/or on-site or public sewage disposal system.

(3) Bear Valley Joint Authority (1 copy and referral letter).

(4) Franklin County Conservation District (1 copy), at the discretion of the Township, for review of matters relating to drainage and abatement of soil erosion and sedimentation. Any costs for such review shall be paid by the applicant.

(5) Such additional persons or agencies as the Township shall determine.

SECTION 406: REVIEW OF PRELIMINARY PLAN.

A. Township Planning Commission.

(1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by any County

Agency, the Township Engineer, and any other persons or entity who shall have submitted comments with respect to any such application.

- (2) After such review, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons therefore, citing specific sections of statutes or ordinances relied upon, to the Board of Supervisors.

B. Board of Supervisors.

- (1) When a Preliminary Plan has been officially submitted to the Board of Supervisors by the Planning Commission, such Plan shall be placed on its Agenda for review and action.
- (2) In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Planning Commission, Township Engineer, County Planning Commission, and all other reviewing agencies, and comments from public hearings, if any, to determine conformity of the application to the standards of this and any other applicable ordinances. The Board may specify conditions, changes, modifications, or additions to the application which the Board deems necessary and may make a decision to grant preliminary approval subject to such conditions, changes, modifications, or additions, citing appropriate ordinance provisions as prescribed in Subsections 4 and 6 below.
- (3) For the purposes of Section 508 of Act 247, the Township Planning Commission is the body which first reviews any application. All applications for preliminary approval of a plan shall be acted upon by the Board of Supervisors and communicated to the applicant within 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of Court remanding an application provided that should the said next regular meeting of the Planning Commission occur more than 30 days following the filing of the application, or the final order of Court remanding an application, the said 90 day period shall be measured from the 30th day following the day the application is filed.
- (4) The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to the applicant not later than 15 days following the decision or by the end of said 90 day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of Act 247, Section 508.
- (5) Whenever the approval of a Preliminary Plan is subject to conditions, the written action of the Board as prescribed herein shall:

- a. Specify each condition of approval, citing relevant ordinance provisions in each case; and
- b. Require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within thirty (30) days of the date of the meeting at which the Board approved the Preliminary Plan, the Board shall be deemed to have denied approval.

SECTION 407: SUBMISSION OF FINAL PLAN.

- A. The Final Plan shall conform to the terms of approval of the Preliminary Plan and to the most recent administrative regulations adopted by the Board.
- B. The Board may permit submission of the Final Plan in sections, pursuant to the terms of Section 508(4) of Act 247.
- C. Official submission of a Final Plan to the Township Secretary shall consist of:
 - (1) Two (2) copies of the application for review of Final Subdivision or Land Development Plan on the form promulgated by the Township for this purpose.
 - (2) Ten (10) copies (as specified on the application form) of the Final Plan and all supporting plans and information to enable proper distribution and review, as required by the Board.
 - (3) Payment of application fees and deposit of escrow for plan review cost.
- D. Copies of the Final Plan and all required supplemental data initially shall be submitted to the Township Secretary together with the required fees established in accordance with the terms of this Ordinance. The Secretary shall note the date of receipt of the application and fees. The application shall not be deemed to be submitted until a complete application and the required fees have been submitted. The Secretary shall make a preliminary review of the application. If the Secretary determines that the application is defective on its face, the Secretary shall notify the applicant who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing, and shall be deemed to be a withdrawal of the application.
- E. Upon submission of a complete application, together with all required fees, the Township Secretary shall accept the application, plans, and other required materials and shall transmit the requisite number of copies of the plans and other required materials to the Township Planning Commission and the Township Engineer. In addition, copies shall be transmitted to such additional persons or agencies as the Township shall determine.

- F. Where the Final Plan is for a minor subdivision, the requisite number of copies shall be submitted to the County Planning Commission and other applicable agencies for their review as would be required of a Preliminary Plan pursuant to Section 405 above.

SECTION 408: REVIEW OF FINAL PLAN.

A. Township Planning Commission.

- (1) The Planning Commission shall review the Final Plan submitted and shall consider any recommendations of the Township Engineer, and any other reviewing agency submitting comments.
- (2) After such review, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons therefore, citing specific sections of statutes or ordinances relied upon to the Board of Supervisors.

B. Board of Supervisors.

- (1) When a written report on a Final Plan has been officially returned to the Board of Supervisors by the Planning Commission, such plan shall be placed on the Agenda of the Board of Supervisors for review.
- (2) Upon receipt of the Planning Commission's recommendation and other supporting information, the Board shall, at one or more regular or special public meetings, review the final plan and shall, within the time limitations set forth herein below, either approve or disapprove the plan. Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, or after a final order of court remanding an application, the said ninety (90) day period shall be measured from the 30th day following the day the application has been filed.
- (3) The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision or by the end of the said ninety (90) day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of Act 247, Section 508.
- (4) Copies of the Final Plan as finally approved, with the appropriate endorsement of the Board of Supervisors shall be distributed as follows:

- a. At least three (3) copies, at least one (1) of which shall be recorded in accordance with Section 411, to the applicant.
 - b. One (1) copy to the Township Municipal Authority.
 - c. One (1) copy to the County Planning Commission.
 - d. Two (2) copies (one of which shall be mylar) to be retained in the Township files, together with one (1) copy of all supporting materials.
- C. Every Final Plan approval shall be subject to these further conditions:
- (1) The applicant shall execute a Subdivision and Land Development Agreement in accordance with Section 409.
 - (2) The applicant shall construct all improvements as provided in Section 409, or, in lieu thereof, shall provide a Performance Guarantee in accordance with Section 410.
 - (3) The applicant agrees, if requested, to tender a deed of dedication to the Township for such streets, any and all easements for sanitary sewers, water lines, or storm sewers, and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements and are required for the promotion of public welfare, after all streets, sidewalks, sewers, and the like are completed and such completion is certified as satisfactory by the Township Engineer. The Board may require that the applicant supply a title insurance certificate from a reputable company before any property is accepted for the Township.
 - (4) Whenever the applicant is providing open space as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the applicant and the Township or an organization acceptable to the Township, and shall run to the benefit of the Township and lot purchasers in the subdivision or land development.
 - (5) The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as Pennsylvania Departments of Transportation, the Pennsylvania Public Utility Commission and the Pennsylvania Department of Environmental Protection. With reference to the Pennsylvania Department of Environmental Protection, please refer to Section 605: Erosion and Sediment Control.

- (6) If access to a highway under the jurisdiction of the Department of Transportation is required, the Plan must contain a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.

SECTION 409: SUBDIVISION AND LAND DEVELOPMENT AGREEMENTS.

The applicant shall execute an agreement, to be approved by the Township, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall specify the following, where applicable:

- A. The applicant agrees to lay out and construct all streets and other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas, and erosion and sediment control measures in accordance with the Final Plan as approved, where any or all of these improvements are required as conditions of approval.
- B. The applicant guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in Sections 410 and 802 of this Ordinance.
- C. The applicant agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory to the Township Engineer.
- D. Whenever an applicant proposes to establish or continue a street which is not offered for dedication to public use, the Board of Supervisors shall require the applicant to submit, and also to record with the plan, a copy of an agreement made with the Board on behalf of himself and his heirs and assigns, and signed by him, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
- (1) That an offer to dedicate the street shall be made only for the street as a whole.
 - (2) That the Township shall not be responsible for repairing or maintaining any undedicated streets.
 - (3) That the method of assessing repair and maintenance costs of undedicated streets be stipulated, and be set forth in recorded deed restrictions so as to be binding on all successors or assigns.

- (4) That, if dedication be sought, the street shall conform to the Township specifications, as existing on the date offered for dedication, or that the owners of the abutting lots shall, at their own expense, construct the street to Township specifications as existing on the date offered for dedication.

SECTION 410: PERFORMANCE GUARANTEES.

- A. In lieu of constructing all improvements before final subdivision approval, the applicant may deposit with the Township financial security in an amount sufficient to cover the cost of constructing and the cost of inspecting the construction of improvements and common amenities, including but not limited to streets, walkways, curbs, gutters, street lights, shade trees, stormwater detention and/or retention facilities, pipes and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings and, except as provided for in Section 410.F. hereof, water mains and other water supply facilities, fire hydrants, and sanitary sewage disposal facilities.
- B. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible bonding company, or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth and stipulates that it will submit to Pennsylvania jurisdiction and Franklin County venue in the event of legal action.
- C. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements and inspection fees for which such security is being posted within one year of the date fixed in the subdivision plan and subdivision agreement for completion of such improvements.
- D. The amount of financial security shall be equal to one hundred ten percent (110%) of the estimated cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such costs. Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and/or the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the fair 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. If the applicant or developer posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date of posting a financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one year-period.

- E. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stage of development, subject to such requirements or guarantees as to improvements in the future sections or stages of development as it finds essential for the protection of any finally approved section of the development, and consistent with the terms of Section 508(4) of Act 247.
- F. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
- G. Financial Security will not be required to the Township for the costs of any improvements for which the Pennsylvania Department of Transportation requires and receives financial security in connection with the highway occupancy permit.
- H. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize to be released, from time-to-time, such portions of the financial security necessary for payment to the Contractor or Contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors. The Board shall, within ten days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the subject improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and shall promptly mail a copy of the same to the subdivider or developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization and direction from the Board of Supervisors. The aforesaid report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection. Upon such certification, the Board within fifteen days of

the receipt of the Township Engineer's report, shall notify the developer of the action of the Board. Upon appropriate certification by the Township Engineer, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board his independent evaluation of the proper amount of partial releases. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10 percent (10%) of the estimated cost of the aforesaid improvements as per Section 802 of this Ordinance.

SECTION 411: RECORDING OF FINAL PLAN.

Within ninety (90) days of final approval of a final plan by the Supervisors, or the date the approval of the Supervisors is noted on the plan, whichever is later, the final plan shall be recorded by the applicant in the office of the Recorder of Deeds of Franklin County. Failure to record the final plan within the prescribed ninety (90) days shall be deemed a withdrawal of final approval by the Township. After a plat has been approved and recorded as provided in this article, all streets and public grounds on such plat shall be, and become part of, the official map of the Township without public hearing. This notwithstanding, ownership/title to the same shall not transfer to the Township until formally dedicated and accepted by the Board.

SECTION 412: COMMENCEMENT OF DEVELOPMENT.

- A. No construction or land disturbance activities (not including soil or percolation testing, well drilling, or similar engineering or surveying activities) shall be commenced until the applicant submits to the Township Secretary a copy of the Recorder of Deeds' receipt for recording of the Final Plan.
- B. No application for a Building Permit shall be submitted and no Building Permit shall be issued for any building in any subdivision or land development and no work shall be done on any building in any subdivision or land development until the Final Plans for the said subdivision or land development have been approved and recorded as provided and until the terms of Section 412.A. hereof have been satisfied. Further, where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no Building Permit shall be issued for construction on any such lot until this condition has been met.
- C. No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from Federal or Local Agencies, as required.

SECTION 413: TIME LIMITATION OF PLANS.

The continuing validity of any approval of plans in accordance with this Article shall be subject to those limitations established by Section 508(4) of Act 247 as the same is from time-to-time amended.

SECTION 414: PLAN AMENDMENTS:

Major modifications of the approved plan, as determined by the Township, shall be resubmitted and reprocessed in the same manner as the original plan. All site disturbance activities shall cease pending approval of modified plans. Each such plan shall contain a notation on the face sheet that it is an amendment of a prior plan and shall identify the prior plan and the amendments and if recorded, the volume and page reference to such recording.

ARTICLE V
PLAN CONTENT REQUIREMENTS

SECTION 500: SKETCH PLAN SPECIFICATIONS.

Sketch Plans and data shall include the following:

- A. General information describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision or land development such as the number of residential lots, typical lot width and depth, parking areas, business areas, playgrounds, park areas, common open space, other public areas, proposed protective covenants, proposed utilities, and street improvements.
- B. A copy of the report on Soils Characteristics of the site prepared by Franklin County Conservation District.
- C. A copy of the Report from the County Conservation District indicating the extent of Erosion Control Plans needed and whether a permit for such earth moving activity is required from the Department of Environmental Protection, or an approval of the Erosion Control Plan by the County Conservation District. With reference to the Pennsylvania Department of Environmental Protection, please refer to Section 605: Erosion and Sediment Control.
- D. Evidence in writing, where one hundred (100) or more dwelling units are proposed in a subdivision or land development, from the School District in which the subdivision or land development is located containing the review and comments of the School District on the proposed development.

- E. A copy of a Report, where one hundred (100) or more dwelling units are proposed in a subdivision or land development, indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development including possible solutions to such problems as may be thereby identified.
- F. A copy of a Report, indicating the general arrangement for storm water drainage, the estimated volume to be generated and the effect of such volumes on the drainage ways or streams within the development in accordance with the requirements of Section 606.
- G. A copy of a Report, where one hundred (100) or more dwelling units are proposed in a subdivision or land development, indicating the general arrangement for water supply including the location, source, type, and capacity of the proposed supply to serve the proposed development signed by a Registered Engineer or a letter from a public water agency that their facilities are capable of and they are willing to supply water to the project.
- H. Location Map showing the relationship of the proposed subdivision or land development to existing community facilities which serve or influence it including the development name, location of any existing community facilities, traffic arteries, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date.
- I. Property Map showing the entire lot, tract or parcel to be affected by the proposed subdivision or land development drawn to a scale of one inch (1") equals one hundred feet (100') or less. A different scale may be used subject to the approval of the Township. Said map shall include the following:
 - (1) The proposed name of the subdivision or land development.
 - (2) Name of applicant.
 - (3) Name of Registered Owner and a signed statement that he desires the land to be subdivided or developed. Where land is in more than one name, all owners must sign.
 - (4) North Point, scale, and date.
 - (5) Name of Engineer, Surveyor, or other qualified person responsible for the map.
 - (6) Tract boundaries with bearing and distances.
 - (7) Approximate location of water courses, tree masses, rock outcrops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
 - (8) Adjacent streets.

- J. Sketch Plan, drawn on a print of the property map, showing in a simple sketch form the proposed layout of streets, lots, and other features, in relation to existing conditions.

SECTION 501: PRELIMINARY PLAN SPECIFICATIONS.

- A. The Preliminary Plan shall be of the entire lot, tract or parcel based on a survey of the property and shall be drawn to a scale of one inch (1") equals one hundred feet (100') or less. Where a smaller scale is proposed, such scale shall be subject to the prior approval of the Township in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," or the act of January 24, 1966 (1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act. The Preliminary Plat shall show:
- (1) Existing contours at vertical intervals of five feet (5') or less, as required by the Township Supervisors or Engineer, for the entire lot, tract or parcel.
 - (2) The layout, names, and widths of right-of-way, cartway and paving of proposed streets, alleys, and location and width of, necessary or proposed easements, for the entire lot, tract or parcel.
 - (3) The layout, for the entire lot, tract or parcel, of lots showing approximate dimensions, lot numbers and approximate area of each lot.
 - (4) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public, or community purpose.
- B. The Preliminary Plan shall be accompanied by the following data and maps:
- (1) A profile of each street, including grades.
 - (2) Location plans of existing and proposed utility mains.
 - (3) Location plans of proposed sanitary sewer, storm water management and any proposed water distribution systems.
 - (4) A profile of the proposed sanitary and storm water management facilities, and water lines, with invert elevations, and connections to existing systems.

- (5) A preliminary Erosion and Sedimentation Plan together with a report of the Franklin County Conservation District if a permit for earth moving activity is required from the Department of Environmental Protection under the Rules and Regulations, Chapter 102, "Erosion Control", P.L. 1987, June 23, 1937, as amended. With reference to the Pennsylvania Department of Environmental Protection, please refer to Section 605: Erosion and Sediment Control.
- (6) A completed sewage "Plan Revision Module for Land Development" or equivalent information sufficient to comply with the planning requirements of the Pennsylvania Sewage Facilities Act and Section 71.14 of Chapter 71 of Title 25 of the Pennsylvania Code for submission by the municipality to the Department of Environmental Protection.
- (7) Each plat shall contain a notice that a highway occupancy permit is required pursuant to section 420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law" before driveway access to a State highway is permitted.
- (8) A Water Supply Capacity Report for projects which propose a groundwater system of greater than twenty-five (25) residential units (single or cumulative), or commercial uses or industrial uses which propose a single or cumulative groundwater system greater than seven thousand five hundred (7,500) gallons per day. One residential unit shall be considered to use 300 gallons of water per day.

A Water Supply Capacity Report shall be prepared by a professional engineer with expertise in hydrology, soils and geology. The Report must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent (40%) below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property owners by ten percent (10%) of pre-development capacity.

- (9) Traffic Impact Study. A traffic impact study shall be submitted regarding subdivisions and land developments which meet the following criteria:
 - a. Residential. When the proposed subdivision or land development requests approval for more than twenty-five (25) dwelling or development units or when the proposed subdivision/land development together with earlier subdivision/land development approvals for the same development totals twenty-five (25) or more dwelling or development units.
 - b. Non-Residential. When the proposed subdivision/land development requests approval for non-residential uses or

when the proposed subdivision/land development together with earlier subdivision/land development approvals for the same development totals non-residential uses which require more than fifty (50) parking spaces.

- c. When the proposed subdivision/land development whether residential or non-residential, in the opinion of the Board of Supervisor creates a development situation in which the volume or type of anticipated vehicle movements may adversely impact existing or anticipated road conditions.

The Board of Supervisors may waive in whole or in part the requirement for traffic impact report as its discretion in accordance with the provisions of this Section 301.

The purpose of the traffic impact report is to insure that proposed developments do not adversely affect the transportation network, to identify any traffic problems, and to determine traffic problems on Township, County or State roads in the vicinity of the proposed project. The report also will assist in the protection of air quality, the conservation of energy and the safety of the motoring public.

The report shall present specific determination of necessary traffic controls (I.E., traffic signals, stop signs, speed limit signing, warning signs, no parking signing, etc.), conforming to Pennsylvania Consolidated Statutes, Title 75, and applicable Township requirements.

- a. Preparer. The traffic impact report shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. The requirements, procedures and standards for the report are set forth in Section 501.B(9)C.
- b. Definitions. The following words and phrases shall have the particular meaning assigned below for this section of the Ordinance:
 - 1. Study Area. Hamilton Township will provide a scope of study specifying the study area, intersections and any special requirements. Prior to initiation of the study, a meeting shall be held to review the scope of work. PennDOT may be invited to the meeting when appropriate.
 - 2. Major Intersection. Any intersection, where traffic generated by the proposal will have a significant effect on the operation of traffic through the intersection. Where doubt exists, the qualified traffic engineer and/or planner shall seek guidance from the Hamilton Township Board of Supervisors and/or the Township Traffic Engineer prior to the submission of the study.

3. Volume/Capacity Analysis. This procedure compares the volume of a traffic facility to its capacity. The procedure described in the 2000 Highway Capacity manual, Transportation Research Board Special Report 209, as amended, shall be followed.
 4. Queue Analysis. (i.e. storage or lane length analyses) This procedure includes the average queue and maximum queue of vehicles which will be observed in each traffic stream and intersection approach, measured in both feet and vehicles. Various statistical and/or computer models may be applied.
 5. Level-of-Service. This evaluation is defined in the 2000 Highway Capacity manual, Special Report 209, as amended, as operational conditions within a traffic stream (or at an intersection approach). Level-of-Service also generally describes these conditions in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience and safety. Six Levels-of-Service are defined for each type of traffic facility, ranging from A to F. Level-of-Service "A" indicates free flow; Level-of-Service "B" indicates stable flow; Level-of-Service "C" indicates stable, but inhibited flow; Level-of-Service "D" indicates high density, restricted stable flow; Level-of-Service "E" indicates operation at or near capacity; Level-of-Service "F" indicative of flow breakdown.
 6. Trip Generation. The total count of trips to and from a study site per unit of land use (i.e., acres, dwelling unit, etc.) as established by the most recent edition of the Institute of Transportation Engineers, Trip Generation Report. For land uses not listed in this report or if information is determined through a small sample size, the qualified traffic engineer and/or transportation planner shall seek guidance from Hamilton Township Board of Supervisors or their designee prior to the submission of the study.
 7. Warrants for Traffic Signal Installation. This is a series of warrants which detail the minimum traffic volume, pedestrian volume or other criteria necessary for the installation of a traffic signal. These criteria are contained in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. DOT, FHWA.
- c. General Requirements and Standards. The traffic impact report shall be in the following format and contain the specified information:

1. Introduction. The objective of this section is to clearly identify the land use and transportation setting for the site and its surrounding area. This section shall include the following four subsections:

- i. Site and Study Area Boundaries: A brief description of the size, location, general terrain features, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall be included. Also, the description shall include probable socio-economic characteristics of site users with respect to transportation needs of the site (i.e. number of senior citizens).
- ii. Existing and Proposed Site Uses. The existing and proposed uses of the site shall be identified in terms of type and zoning classification category.
- iii. Existing and Proposed Nearby Uses. A complete description of: the existing land uses in the vicinity of the site, as well as their current zoning, proposed uses for adjacent land, other major existing and proposed land development.
- iv. Existing and Proposed Roadways and Intersections. The description shall contain full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadways (widths and right-of-ways), on-site circulation plan showing parking conditions and dimension, loading or access, channelizations, and any traffic signals and signs or other intersection control devices at all intersections within the site.

Also, locations for all signing (i.e. speed limits, etc.) shall be shown and verified.

This subsection shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and illustrated. All existing and proposed public transportation services and facilities documented. All future highway improvements within Hamilton Township and the study area, including proposed construction and traffic signalization, shall be noted. Improvements from the Pennsylvania Department of Transportation's 12-year Highway and Bridge Program, with Hamilton Township and the study area,

shall also be noted. Any proposed, or in-place, roadway improvements due to proposed surrounding developments shall be noted.

2. Analysis of Existing Conditions. This section shall describe the results of the volume/capacity analysis to be completed for the roadways and intersections in the study area under existing conditions as well as any data collection efforts that are required. This section shall include the following three subsections:
 - i. Daily and Peak Hour Volumes. Schematic diagrams shall be presented depicting existing traffic volumes for average daily traffic (ADT), the weekday peak highway traffic hour(s), and the Saturday peak traffic hour. All documentation must be contained in the report. Turning movement and mainline volumes shall be presented for all peak hour conditions (weekday A.M. peak, weekday P.M. peak, weekday site generated and Saturday peak) while only mainline volumes are required for ADT's Source and method of computation must be included.
 - ii. Volume/Capacity Analysis at Critical Points. A volume/capacity analysis based upon existing volumes shall be performed during the weekday and Saturday peak traffic hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area.
 - iii. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service are to be determined and presented.
3. Analysis of Future Conditions Without the Proposed Development. This section shall describe the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed development. The future year(s) for which projections are made shall be the development completion year unless reported otherwise by the Hamilton Township Board of Supervisors. If the study is required for PennDOT review, the future design year shall be consistent with PennDOT requirements. Factors included within this section include, but are not limited to, background traffic growth expansion, and traffic generated by other proposed developments as well as associated improvements. This section shall include the following three subsections:
 - i. Daily and Peak Hour Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future volumes in order that Township Personnel can duplicate these calculations.

The schematic diagrams depicting future volumes shall be similar for those described previously in 501.B(9)B.1 in terms of location and times (daily and peak hours).

- ii. Volume/Capacity Analysis at Critical Points. The ability of the roadway system to accommodate future traffic (without the proposed development) is to be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis should be presented for these conditions. Periods of analysis shall be presented for these conditions. Periods of analysis shall be the same as those previously performed in 501.B(9)B.1.
 - iii. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service are to be determined and presented as in 501.B(9)B.3.
4. Trip Generation. The estimation of vehicular trips to result from the proposed shall be completed for average weekday, average Saturday, peak traffic hours during the weekday A.M. and P.M. peak traffic hours, the weekday peak development generated hour and the Saturday peak traffic hour. These development generated traffic volumes shall be provided for the in-bound and out-of-bound traffic movements as estimated and the reference source(s) and methodology followed shall be documented. Any characteristics of the site which may cause particular trip generation problems shall be noted.
 5. Trip Distribution. The direction of approach for site generated traffic will be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that Township officials may replicate these results.
 6. Traffic Assignment. This section describes the utilization of study area roadways by site-generated traffic. The proposed traffic volumes shall be combined with anticipated traffic volumes.
 7. Analysis of Future Conditions with the Proposed Development. This section describes, in the three subsections, the adequacy of the roadway systems to accommodate future traffic with development of the site.
 - i. Daily and Peak Hour Traffic Volumes. Mainline and turning movement volumes shall be presented, in schematic form, for the highway network in the study area as well as driveways and internal circulation

roadways for the appropriate time periods (identified previously).

- ii. Volume/Capacity Analysis at Critical Points. Similar to 501.B(9)B.2 and 501.B(9)C (C.2), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 - iii. Levels-of-Service at Critical Points. Based upon the results obtained in the previous section, levels-of-service are to be determined and presented as in 501.B(9)C (B.3) and 501.B (9) c (C.3).
8. Recommended Improvements. A description of proposed improvements to remedy deficiencies shall be included in this section. Improvements shall be identified which would replace capacity and/or return pre-development levels-of-service conditions. Alternative improvement schemes shall be presented for post development traffic volumes to operate at a minimum level-of-service "D". Or, in no circumstances, at a level-of-service worse than predevelopment condition.

These recommendations shall separately identify committed projects of governmental agencies which were described and independently identified in part A and reflect in the analysis contained in parts B and C. This section shall include the following three subsections.

- i. Proposed Recommended Improvements. This section should describe the location, nature and extent of proposed improvements to assure sufficient traffic flow(s). The listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, speed limit, stop and no parking sign locations, site access location and design, external roadway and intersection design and improvements and traffic signal installation and operation including phasing and timing. All physical roadway improvements shall be shown in sketches. This listing shall also include, for each improvement: preliminary cost estimates, funding source, timing and likelihood of the improvement implementation and the party responsible for the improvement.
- ii. Volume/Capacity Analysis at Critical Points. Another iteration of the volume/capacity analysis shall be presented and described which demonstrates the anticipated results of making recommended improvements.

iii. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service for the study area with improvements shall be presented.

9. Conclusion. The last section of the report shall be a clear concise description of the findings. It is anticipated that this concluding section should serve as an executive summary.

d. Time of Submission.

The traffic impact report shall be submitted to the Township with the Preliminary Plan application. An application for Preliminary Plan approval shall be deemed incomplete and unacceptable for filing if the traffic study is not included in the submission, and the time period for approval of such plans pursuant to Section 508 of the Pennsylvania Municipalities Planning Code, Section 508 shall not commence until the report is received by the Township.

The design plans for street improvements shall not be submitted to the Pennsylvania Department of Transportation until the plans have been reviewed by the Hamilton Township Planning Commission, the Hamilton Township Engineer, and approved by the Hamilton Township Board of Supervisors. The submittal to PennDOT shall be accompanied by the comments of Hamilton Township.

e. Implementation. The Hamilton Township Planning Commission, Engineer, and Board of Supervisors shall review the traffic problems that may occur due to the development. If the report of the Township Engineer, in reviewing the traffic study of the developer, makes additional recommendations or recommendations different from that of the traffic consultant of the developer, then the Board of Supervisors may require these added improvements to be completed by and at the cost of the developer and those added improvements may be attached to the overall land development or subdivision approval as conditions to approval.

The Hamilton Township Board of Supervisors may decide that certain improvements contained in the report, within the study area, are mandatory for development and may attach these as conditions to the approval.

f. Waivers. The Board of Supervisors of Hamilton Township may waive or modify, in whole or in part, the requirement for a traffic impact report or any of the requirements and standards set forth in Section 501.B(9)C if literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such waiver or modification will not be contrary to the

public interest and that the purpose and interest of this article be observed.

In considering any waiver or modification, the Board of Supervisors may consider, in their discretion, but are not limited to considering, such factors as the location of the subject property, its proximity to intersections and major roadways, the size and density of the proposed subdivision or land development, the number and location of proposed accesses to the subject property and the nature of the use proposed.

SECTION 502: FINAL PLAN SPECIFICATIONS:

The Final Plan shall be drawn on reproducible linen, or other reproducible material of equal quality (24" x 36" or less) in size at a scale of 1" = 100' or less and show:

- A. Primary control points, approved by the Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- B. Tract boundary lines, right-of-way lines or streets, easements, and other right-of-way, and property line of residential lots and other sites with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.
- C. Name and right-of-way width of each street or other right-of-way.
- D. Location, dimensions, and purpose of easements.
- E. Number to identify each lot and/or site.
- F. Purpose for which sites other than residential lots are dedicated or reserved.
- G. Building setback lines on all lots and other sites.
- H. Location and description of survey monuments. All permanent reference monuments shall be significantly identified on the plat.
- I. Names of record owners of adjoining unplatted land.
- J. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- K. Certification by a Registered Surveyor, ~~or~~ Registered Engineer, or Registered Landscape Architect as appropriate by law, licensed in the State of Pennsylvania, certifying to accuracy of survey and plat and that such accuracy is to a minimum precision of one unit of error per ten thousand units.

- L. Certification of title showing that applicant is the owner of land, agent of the landowner or tenant with written permission of the landowner.
- M. Notarized acknowledgment by owner dedicating streets, right-of-way and any sites for public uses which are to be dedicated.
- N. Proposed contours at vertical intervals of five feet (5') or less as required by the Township or Township Engineer.
- O. Provide north arrow, a graphic scale and a written scale.
- P. Show location of existing on-lot disposal system and water supplies.
- Q. Show minimum first floor elevations for each proposed lot on plan.
- R. Other Data: The Final Plan shall be accompanied by the following data and plans as prescribed by the Township, or as required by the laws of the Commonwealth.
 - (1) Profiles of streets and alleys showing grades.
 - (2) Typical Cross Sections of each type of street, minor street, collector, etc., showing the width of right-of-way, width of cartway, location and width of sidewalks or curbs, if required, and location and size of utility mains.
 - (3) Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.
 - (4) A Final Erosion and Sedimentation Control Plan, showing the location and types of erosion and sediment control measures and any applicable report signed by the Franklin County Conservation District, indicating that the plan has been prepared and reviewed as required by the rules and regulations of the Pennsylvania Department of Environmental Protection. With reference to the Pennsylvania Department of Environmental Protection, please refer to Section 605: Erosion and Sediment Control.
 - (5) If applicable, a copy of a Permit issued and signed by the Department of Environmental Protection as required by the Rules and Regulations, Chapter 102, "Erosion Control", under P.L. 1987, June 22, 1937, as amended. (See Section 406-1-a, 406-1-b, and 406-1-c.)
 - (6) In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the Final Plan, a covenant with the land assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan.

- (7) A copy of the sewage "Plan Revision Module for Land Development" or other equivalent documentation approved by the Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act 537, and Section 71.14 of Chapter 71 of Title 25 of the Pennsylvania Code as amended.
- (8) Such other certificates, affidavits, endorsements, or dedications as may be required by the Township in the enforcement of these regulations.
- (9) A Water Supply Capacity Report for projects which propose a groundwater system of greater than twenty-five (25) residential units (single or cumulative), or commercial uses or industrial uses which propose a single or cumulative groundwater system greater than seven thousand five hundred (7,500) gallons per day.

A Water Supply Capacity Report shall be prepared by a professional engineer with expertise in hydrology, soils and geology. The Report must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent (40%) below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property owners by ten percent (10%) of pre-development capacity.

- S. All 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," or the act of January 24, 1966 (1965 P.L.1527, No. 535), known as the "Landscape Architects' Registration Law" when it is appropriate to prepare the plat using professional services as set forth in the definition of the Practice of Landscape Architecture under Section 2 of that act.

ARTICLE VI DESIGN STANDARDS

SECTION 600: STREETS.

- A. General Standards. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map or Community Master Plan, the arrangement and other design standards of streets shall conform to the following:
 - (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in

adjoining areas.

- (2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to adjoining land.
- (3) Whenever any subdivision or land development adjoins, abuts, fronts, or is connected to any State (Legislative Route) or Federal Highway it shall conform to the Regulations of the Pennsylvania Department of Transportation.
- (4) In measuring the building/structure setbacks for construction adjacent to existing streets or roads, the building setback requirements otherwise provided in this Ordinance shall be measured from a point twenty-five (25) feet from the centerline of the existing road or street.
- (5) All roads, streets, lanes and alleys shall, whenever possible, connect with existing highways so as to form continuance or extensions thereof, and shall not be less in width than such existing highways, unless an exception be granted by the Board of Township Supervisors. All highways shall be graded to the full width of the right-of-way, and all culverts, bridges and storm sewers shall be constructed for the full width of the base of the highway. When a land development or subdivision submission proposes to incorporate cul-de-sac streets in its design, an area or areas adjacent to the cul-de-sac of sufficient size to contain a volume of snow equivalent to one foot (1') on the paved area of the cul-de-sac shall be depicted and designated on the plans as an easement for purposes of snow removal from the paved area of the cul-de-sac. This area shall be in a location adjacent to the cul-de-sac where snow plowed from the cul-de-sac may be deposited without special maneuvering by the snowplow.

B. Alleys. Alleys shall be prohibited in Residential Districts except where proved to be necessary. They shall not be dedicated to the Township, and provision for their maintenance acceptable to the Township shall be provided.

C. Intersections. Street intersections shall be designed according to the following standards:

- (1) No more than two (2) streets shall cross at the same point. Street intersections shall be at right angles, wherever possible, and intersections of less than sixty degrees (measured at the center lines of the streets) will not be permitted.
- (2) Intersecting streets shall not enter into the same side of collector of major streets at intervals of less than eight hundred feet (800'). Minor streets entering another street from opposite sides should be directly opposite each other or, if necessary, they shall be separated by at least three

hundred feet (300') between center lines measured along the center line of the cross street. Greater offset may be required by the Township Supervisors depending on the importance of the cross street.

- (3) Maximum grade within any intersection shall not exceed five percent in any direction, and approaches to any intersection shall follow a straight course within one hundred feet (100') of the intersection.

D. Intersection Curve Radii. At intersections of streets, the curb or edge of pavement radii shall not be less than 40 feet (40') and substantially concentric with or parallel to the chord of corners.

E. Intersection Sight Distance. Proper sight lines must be maintained at all intersections.

- (1) Where intersections occur between proposed new streets within a new subdivision there must be a clear sight triangle of seventy-five feet (75') based on the measurement along the centerline of the streets four feet (4') above the centerline. No building or obstruction shall be permitted in this area.

- (2) Where intersections occur between proposed new streets or providing access to separate parcels of land and State Highway (Legislative Routes, Pennsylvania Routes and United States Routes) or Arterial Streets there must be a clear sight triangle provided in accordance with the requirements of the Pennsylvania Department of Transportation.

F. Streets Not In Alignment. If streets are not in alignment, the distances between the centerlines of streets opening on opposite sides of an existing or proposed street shall be no less than one hundred fifty feet (150').

G. Sight Distance. Sight distance must be provided with respect to both horizontal and vertical alignment, measured along the centerline of the streets, four feet (4') above grade. This sight distance must be as follows:

<u>TYPE OF STREET</u>	<u>SIGHT DISTANCE</u>
Collector	300 Feet
Minor	150 Feet

H. Curves. Where connecting street lines deflect from each other at any one point by more than 10 degrees, the line must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>TYPE OF STREET</u>	<u>MINIMUM RADIUS</u>
Collector	300 Feet
Minor	150 Feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets there must be a tangent from centerline of at least 100 feet between reverse curves.

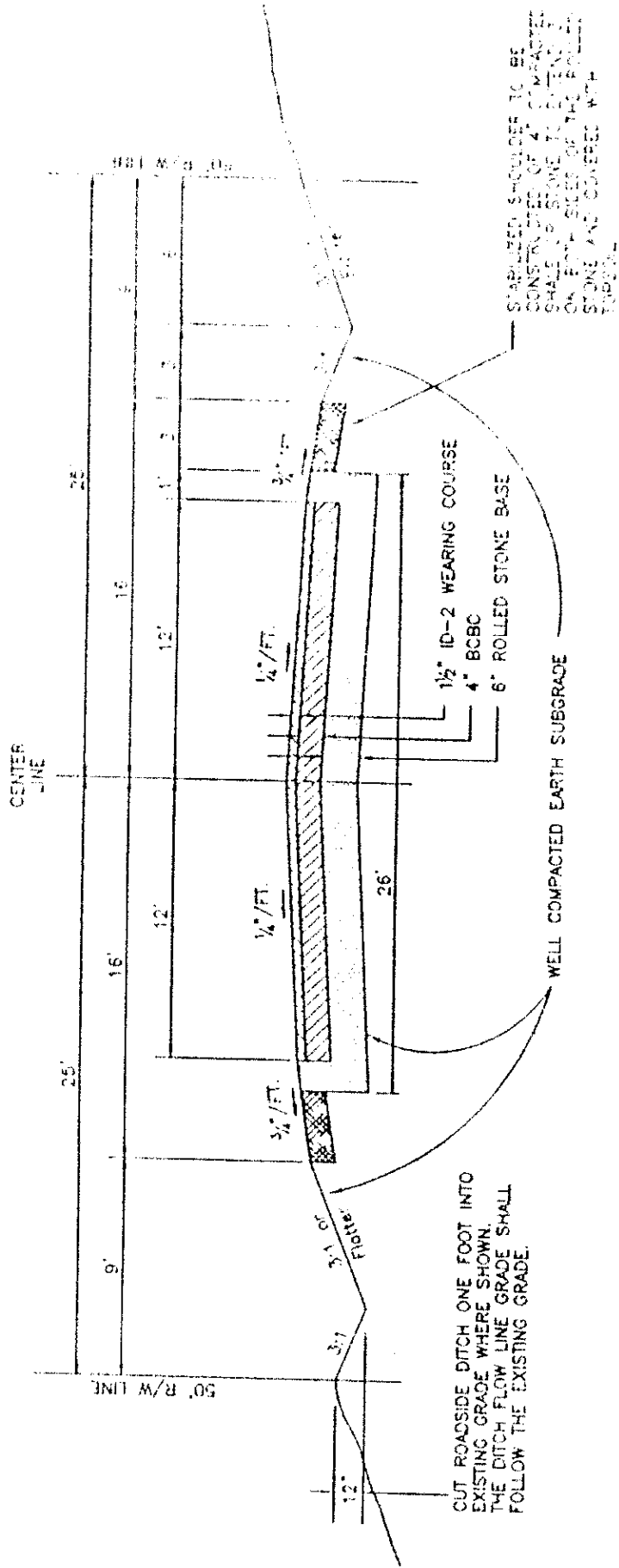
I. Street Widths.

Minimum street right-of-way and cartway widths shall be as follows:

Each street and road designed and/or intended to provide access to a lot or a development, whether the same is to remain private or be dedicated to the Township, shall have a minimum width of fifty feet (50') from property line to property line. If street or road is not to be dedicated to the Township and is designed to serve two (2) or fewer lots, the street or road need not be constructed to Township standards. However, no road or street not constructed to Township standards may be dedicated to the Township and a note to this effect must be clearly imprinted on the plans. If the street or road is designed to serve more than two (2) lots it must be constructed to Township standards. Each street or road where it intersects another street or road shall have a radius on each side of the intersection of at least forty feet (40').

All streets intended to provide access to a lot or a development, whether intended to be dedicated to the Township or not shall have a minimum paved cartway width of twenty-four feet (24') with not less than four feet (4') shoulder on each side; provided, however, for good cause shown, the Supervisors may waive this paving requirement subject, nevertheless, to such reasonable restrictions as they may determine appropriate.

All streets intended to be dedicated to the Township shall be constructed in accord with the Typical Road Cross-Section illustrated on page 59 next following.



TYPICAL ROAD CROSS-SECTION

Provision for additional street width (cartway and right-of-way) may be required when determined to be necessary by the Township in specific cases for:

- (1) Public safety and convenience.
- (2) Parking in commercial and industrial areas and in areas of high density development.
- (3) Street extensions where new streets shall be laid out to continue existing streets at no reduction in width and in cases where greater widths may be required.

J. Dead-end Streets: Dead-end streets shall be prohibited unless constructed as cul-de-sacs meeting the following criteria:

Permanent cul-de-sacs or dead end streets, in a residential district, shall terminate at the closed end with a paved turn-around having a minimum right-of-way radius from the center of the cul-de-sac to the edge of the right-of-way of sixty feet (60') and the same shall be constructed as illustrated on Page 62. There shall be no more than three (3) driveways off the circular turn around and no panhandle lots shall be accessed from the cul-de-sac. There shall be no half-moon cul-de-sacs.

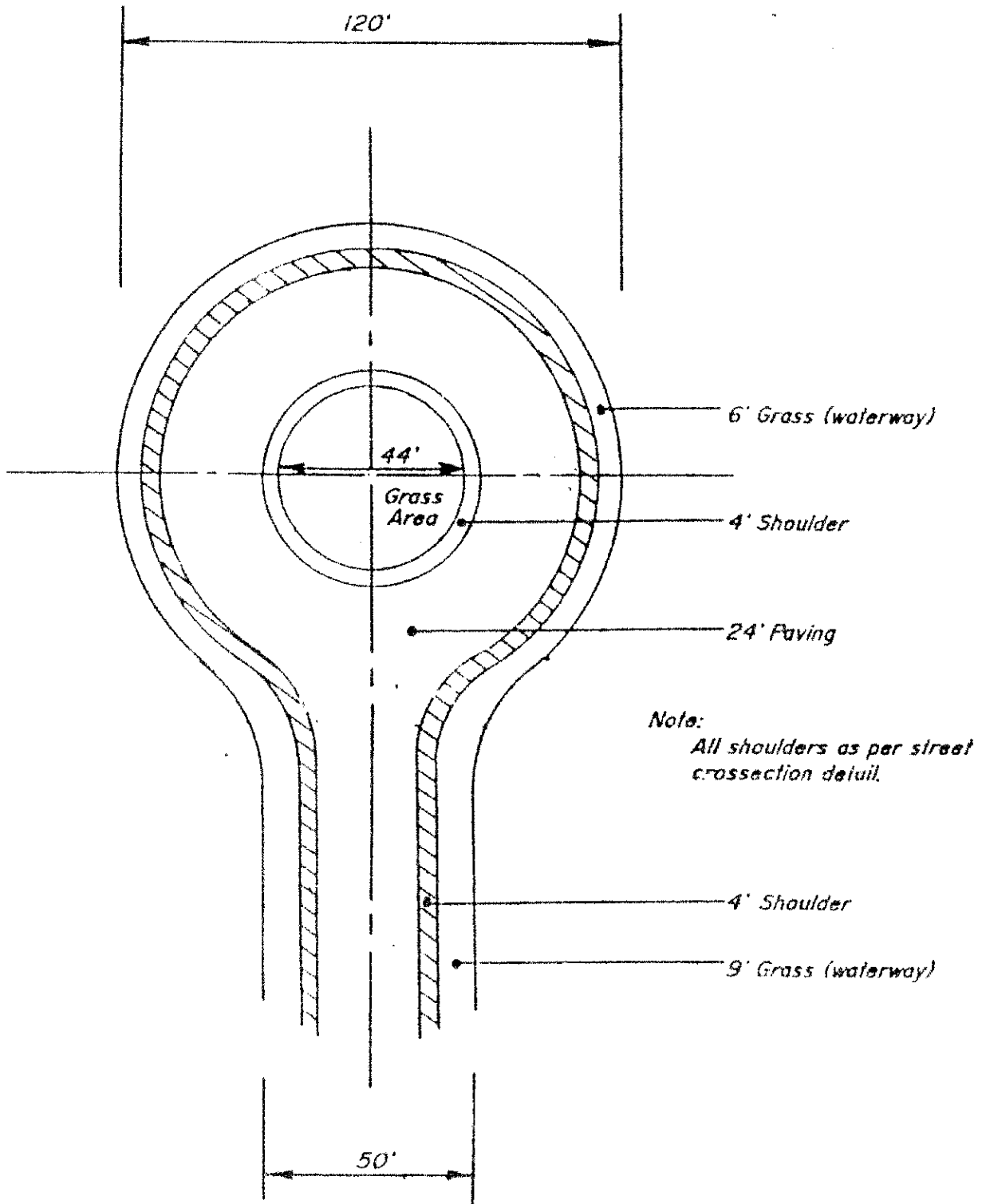
Commercial and industrial cul-de-sacs shall be constructed at least to meet the minimum criteria established next above and may require a larger radius depending upon the type of use to be serviced.

Whenever a development proposes the use of cul-de-sacs as referenced in the two paragraphs next above, there shall be a note added to the plans that responsibility for maintenance of the grass area shall be allocated to the property owners owning lots on the cul-de-sac with maintenance responsibility being allocated to each lot in accord with the percentage of front footage of each lot relative to total frontage of the cul-de-sac. In addition to the note on the plans, every deed issued for land fronting on a cul-de-sac shall contain a clause assigning maintenance responsibility for the grass area to the abutting property owners in accord with the percentage each lot fronts on the cul-de-sac, based upon the total front footage of all lots fronting on the cul-de-sac.

Permanent cul-de-sac streets shall not exceed one thousand feet (1,000') in length. A cul-de-sac street shall not intersect another dead-end street.

Any development with streets exceeding one thousand feet (1,000') in length must provide two or more means of ingress and egress.

In those circumstances in which this Ordinance authorizes/requires the construction of a temporary cul-de-sac, the temporary cul-de-sac shall be constructed with a minimum paved radius of forty feet (40') with temporary right-of-way width of a minimum radius of fifty feet (50'). The temporary cul-de-sac shall have a minimum paving section of six inches (6") of compacted 2A stone and four inches (4") of Bituminous Concrete Base Course (BCBC).



CUL-DE-SAC DETAIL

K. Street Grades.

- (1) The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

<u>TYPE OF STREETS</u>	<u>MINIMUM GRADE</u>	<u>MAXIMUM GRADE</u>
Arterial Streets	1.0%	As determined by the Township after consultation with the Pennsylvania Department of Transportation
Collector Streets	1.0%	Eight Percent (8%)
Minor Streets	1.0%	Ten Percent (10%)

- (2) Vertical curves shall be used in changes of grades exceeding one percent (1%), and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds seven percent (7%), such leveling areas, shall have a minimum length of sixty feet (60') (measured from the intersection of the centerline) within which no grade shall exceed a maximum of four percent (4%).

L. Slopes of Banks Along Streets. The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

- (1) One foot (1') of vertical measurement for two feet (2') of horizontal measurement for fills.
- (2) One foot (1') of vertical measurement for two feet (2') of horizontal measurement for cuts in soil and one foot (1') horizontal to one foot (1') vertical in rock.

M. Partial and Half Streets. The dedication of half streets at the perimeter of a new subdivision is prohibited.

N. Names of Streets. Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "land", "way", "drive", "court", "avenue". In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery and Civil Defense District served by the Local Post Office. New streets shall bear the same name or number of any continuation of alignment with an existing or platted street.

SECTION 601: EASEMENTS.

A. Easements shall be provided for drainage facilities, overhead or underground public utility facilities in consultation with the Township's Engineer, the Electrical Utility Companies, the Pennsylvania Department of Transportation, the Telephone Utility Companies, and the Water and Sewer Authorities.

- (1) The minimum width of such easements shall be ten feet (10'). Additional width may be required by the Township depending on the purpose and use of the easements.
 - (2) Wherever possible, such easements shall be centered on each side or rear lot lines, or along the front lot lines.
- B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing a storm water management facility.

SECTION 602: BLOCKS.

Blocks shall not exceed sixteen hundred feet (1,600') in length and shall be of sufficient depth to permit two (2) tiers of lots except as otherwise provided herein.

SECTION 603: LOTS.

The arrangement and other design standards of lots shall conform to the following requirements:

- A. Layout of Lots. Every lot should abut a street. Side lot lines should be substantially at right angles or radial to street lines.
- B. Double Frontage. Double frontage lots shall be avoided, except that where desired along limited access highways, lots may face on an interior street, and back on such thoroughfares. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary. Subdivision proposing double frontage lots or tracts shall be provided with restrictive covenants prohibiting access to the major highway or thoroughfare.
- C. Dimensions and Areas of Lots. The dimensions and areas of lots shall conform to the following requirements:
 - (1) Lots Not Served by Public Water and Public Sanitary Sewers. Residential lots, for single family detached dwellings not served by public water or public sanitary sewers, the land meeting the necessary percolation and soil survey standards, shall be not less than one hundred feet (100') wide measured at the minimum required front building setback line, nor less than forty-three thousand, five hundred sixty square feet (43,560 Sq. Ft.) in area, per dwelling unit. Each of said lots shall have at least ten feet (10') reserved along each side of the lot for open space and shall have a building setback line of at least thirty-five feet (35') from the edge of the right-of-way.

- (2) Lots Served by Public Water Only. Residential lots, for single family detached dwellings served by public water but without public sewer, the land meeting the necessary percolation and soil survey standards, shall be not less than one hundred feet (100') wide measured at the minimum required front building setback line, nor less than forty-three thousand, five hundred sixty square feet (43,560 Sq. Ft.) in area, per dwelling unit. Each of said lots shall have at least ten feet (10') reserved along each side of the lot for open space and shall have a building setback line of at least thirty-five feet (35') from the edge of the right-of-way.
- (3) Lots Served by Public Sewer Only. Residential lots served by public sewer but without public water supply shall contain at least twenty thousand square feet (20,000 Sq. Ft.) of area and shall have at least one hundred feet (100') of width at the building setback line and shall reserve at least ten feet (10') along each side of the lot for open space and shall have a building setback line of at least thirty-five feet (35') from the edge of the road right-of-way.
- (4) Lots Served by Public Water and Public Sanitary Sewers. Residential lots served by both public water and public sanitary sewers shall conform to the following requirements:

	MINIMUM LOT WIDTH MEASURED AT THE MINIMUM FRONT SETBACK LINE	MINIMUM LOT AREA PER DWELLING UNIT
Single Family, Detached Dwelling	80 Feet	12,000 Square Feet
Single Family, Attached Dwelling (Townhouses)	20 Feet per dwelling unit	2,400 Square Feet
Two-Family, Detached dwelling (A two story dwelling with one dwelling unit constricted over the other)	80 Feet	6,000 Square Feet
Two-Family, Semi-Detached Dwelling (A single story dwelling unit with one dwelling unit constructed beside the other)	50 Feet per dwelling unit	6,000 Square Feet
Multi-Family Dwelling	100 Feet	2,400 Square Feet

Each lot shall reserve at least ten feet (10') along each side of the lot for open space and shall have a building setback line of at least thirty-five feet (35') from the edge of the road right-of-way.

(5) Two Family Detached and Two Family Semi-Detached Dwellings.

Where there is no off-site water supply and no off-site sewer, the lot shall be sufficient to provide not less than forty-three thousand, five hundred sixty square feet (43,560 Sq. Ft.) for each dwelling unit with not less than one hundred feet (100') of width at the building line, and a building setback line of not less than thirty-five feet (35') from the edge of the road right-of-way and with at least ten feet (10') reserved on both sides of the two family detached dwelling and on one side of each two family semi-detached dwelling.

Where there is off-site water supply but no off-site sewer, the lot shall be sufficient to provide each dwelling unit not less than forty-three thousand, five hundred sixty square feet (43,560 Sq. Ft.) of area with not less than one hundred feet (100') width at the building line and a setback line of at least thirty-five feet (35') from the edge of the road right-of-way and with at least ten feet (10') reserved on both sides of the two family detached dwelling and on one side of each two family semi-detached dwelling.

Where there is off-site sewer connections but without off-site water supply, the lot shall be sufficient to provide each dwelling unit not less than twenty thousand square feet (20,000 Sq. Ft.) of area with not less than one hundred feet (100') width at the building line and a setback line of at least thirty-five feet (35') from the edge of the road right-of-way and with at least ten feet (10') reserved on both sides of the two family detached dwelling and on one side of each two family semi-detached dwelling.

(6) Multi-Family Dwellings (Apartments). Structures containing apartments are only permitted where there is available both off-site water and sewer. There shall be a building setback line of at least thirty-five feet (35') from the edge of the road right-of-way. There shall be at least ten foot (10') reserved along each side of the lot for open space and at least two thousand four hundred square feet (2,400 Sq. Ft.) of area shall be provided for each apartment.

(7) Single Family, Attached Dwellings (Townhouses). Townhouses will only be permitted where off-site water and off-site sewer are available. The number of units in each structure shall be limited to eight (8) dwelling units. There shall be a building setback line of at least thirty-five feet (35') from the edge of the road right-of-way. A right-of-way at least twenty feet (20') wide shall be provided for access along or over the property of at least one of the two end units and to the rear of each area allotted for each dwelling unit in the townhouse

which right-of-way shall be shown on the subdivision plans and identified as such. At least twenty-five feet (25') shall be reserved between each end dwelling unit with twenty feet (20') of that area identified as a right-of-way for access to the right-of-way required at the rear of the development. Each row of townhouses shall be at least fifty feet (50') from any other townhouse or residence.

- (8) Lots in Recreational Vehicle Parks or Campgrounds. On land laid out as a recreational vehicle park or camp ground, not served by public water and sanitary sewers (provided, however, that water and sewers are provided in accordance with standards of, and approved by, the Pennsylvania Department of Environmental Protection), the lot shall be not less than fifty feet (50') wide nor less than five thousand square feet (5,000 Sq. Ft.) in area for each recreational vehicle or campground lot, exclusive of streets and other public areas. Facilities proposing the utilization of "cluster" arrangement of vehicle or camping facilities in conjunction with open or green areas shall be reviewed on the basis of the plan submitted, which should provide for an average of 5,000 Square Feet of land area per vehicle or camping space unit.
- (9) Lots for Other Than Residential Uses. The lot width and area requirements of properties reserved or laid out for uses other than residential shall provide adequate space for yard and off-street loading, unloading and parking facilities. Subdivision plats for uses other than residential shall be accompanied by plans of contemplated construction on the subdivision lots in sufficient detail to assure that these requirements are being satisfied.
- (10) Lots, Sizes and Soil Suitability.
- a. The applicant shall arrange for the required tests to be made on the tract as prescribed by the Department of Environmental Protection in order to provide the data necessary for the platting of lots for adequate size for on-lot sewage disposal or to determine the need for other sewage disposal methods.
 - b. The results of these tests shall be submitted to the Township in a module signed by the Department of Environmental Protection and subdivider showing the review and comments on the proposed sewage treatment facilities.
 - c. From the results of these tests and reports, the lot size shall be established large enough to provide for specified minimum area required for the absorption field as prescribed in accordance with the Department of Environmental Protection report, if on-lot sewage disposal is permitted, but in no case shall the lot size be less than designated in Section 603.C.

d. Where on-lot water is to be used, the lot(s) shall be large enough so that the water source(s) shall be located no closer to the absorption field of the on-lot sewage facilities than the distance specified in accordance with the "Rules and Regulations of the Department of Environmental Protection".

(11) Lot Sizes on Slopes. The minimum lot areas herein established shall be increased in accordance with the Township's requirements, based on reports from the Department of Environmental Protection and the Soil Conservation Service indicating that, because of slope, hazardous conditions exist from surface runoff or subsurface drainage of septic tank effluents.

(12) Corner Lots for Residential Use. On corner lots designated for residential use where a lot is bounded by more than one street, there shall be a building setback from both streets of at least thirty-five feet (35'). On corner lots designated for nonresidential use, there shall be a building setback that is at least ten percent (10%) greater than the building setbacks referenced herein for corner lots intended to be used for residential purposes.

(13) Building Setback Lines.

a. The minimum building setback from the lot line along which the building is to be constructed shall be at least thirty-five feet (35').

b. Where an existing building line is established on at least fifty percent (50%) of the properties in a block in which the proposed subdivision is located or within two hundred feet (200') immediately adjacent to the proposed subdivision, this minimum may be increased to conform with such established building line, provided, however, in no event may the building setback line be less than minimums otherwise established in this ordinance and applicable to the proposed development.

c. In a recreational vehicle park or campground, setback lines on private streets shall be not less than ten feet (10') from the right-of way or private street.

(14) Side and Rear Building Lines.

a. Building lines shall not be less than ten feet (10') from the side lot lines and twenty-five feet (25') from the rear lot lines. The rear lot line shall be that lot line opposite the front of the building to be constructed on the lot.

- b. In a recreational vehicle park or campground, side and rear building lines shall be not less than twenty-five (25') from the recreational vehicle park or camp ground property line on the sides and rear not adjacent to a dedicated public street right-of-way.

(15) Building Setback Exceptions

- a. For any existing lot as shown on a subdivision plan approved and recorded prior to April 1, 2002, with building or development occurring after April 1, 2002, construction may utilize the building setback regulations in effect on March 31, 2002.
- b. Storage sheds not in excess of three hundred square feet (300 Sq. Ft.) in size and not permanently affixed to the ground may be located within ten feet (10') of any side or rear lot line.
All other buildings and all storage sheds in excess of three hundred square feet (300 Sq. Ft.), as well as all storage sheds of any size constructed on a permanent foundation on lots created by subdivision plans approved and/or recorded after April 1, 2002, shall be fully subject to all building setback requirements established by Ordinance Number 2002-122 enacted March 21, 2002.

(16) Personal Wireless or Cellular Telecommunication Facility Lots

- a. Such facility with a tower shall be subject to minimum lot size of 80,000 square feet; minimum yard requirements of 60 feet to all property lines and maximum height of a freestanding tower at 200 feet and of any building at 45 feet.
- b. If the tower is attached to an existing structure or building, this facility shall be subject to a maximum height of 50 feet above this structure or building.
- c. The following buffer plantings shall be located around the perimeter of the security fence:
 - 1. Screen plantings shall be planted that consist of either a hedge, three feet on center maximum, or a row of evergreen trees planted 10 feet on center maximum.
 - 2. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- d. An eight-foot-high security fence shall completely surround the tower (and guide wires, if used) and equipment building.
- e. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E manual, as amended.

- f. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to the Township Supervisors to document and verify the design specifications of the foundation for the tower and anchors for the guide wires, if used.
 - g. Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
 - h. An antenna may not be located on a building or structure that is listed on a national or state historic register.
 - i. Elevations of existing and proposed structures showing all dimensions for antennae, tower and equipment shall be presented.
 - j. Compliance with all federal and state laws and regulations concerning aviation safety shall be demonstrated.
 - k. If a proposed tower is adjacent to a residential development or dwelling or public grounds and buildings, the setback from any property line shall be a distance of at least that equal to the height of the tower.
 - l. If the tower is abandoned for a two-year period, the entire facility shall be removed.
 - m. The tower shall be marked with alternate color bands of orange and white paint as authorized by the Federal Aviation Administration. These bands should be equal in width, approximately 1/7 of the height of the structure in width, perpendicular to the vertical axis, orange at the top and bottom of the structure, and an odd number of color bands on the structures. The paint for the bands shall conform to federal standards (No. 595 according to the color table: orange 12197 and white 17875).
 - n. The tower shall be mounted with obstruction lights on top if it exceeds 150 feet in height. At least one red flashing beacon (L-864) shall be installed in a manner to ensure an unobstructed view of one or more lights by an aircraft pilot. These lights shall be operated by a satisfactory control device, or they may remain lit continuously.
- D. Flag Lots: Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques. For the purpose of this section, a flag lot shall be described as containing two parts: (1) The "Flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "Pole"

shall be considered that portion of the site that is used for vehicular access between the site and the adjoining road.

1. Requirements for the Flag:

- (a) The minimum lot area and lot width requirements of this Ordinance shall be measured exclusively upon the flag.
- (b) For purposes of determining required yards and setbacks, the following shall apply:
 - i. Front Yard - The area between the principal structure and that lot line of the Flag, which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;
 - ii. Rear Yard - The area between the principal structure and the lot line of the Flag that is directly opposite the front yard, as described above, and;
 - iii. Side Yards - The area between the principal structure and that one (1) outermost lot line which forms the Flag and Pole, plus the area on the opposite side of the principal structure.

The Flag Lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from, the lot is in the forward direction.

2. Requirements for the Pole:

- (a) The Pole shall maintain a minimum width of twenty-five feet (25').
- (b) The Pole shall not exceed seven hundred fifty feet (750') in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
- (c) No part of the Pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvements except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes and signs.
- (d) The cartway contained in the Pole shall be located at least six feet (6') from any adjoining property line, and twenty feet (20') from any existing structures on the site or any adjoining property.
- (e) No Pole shall be located within two hundred feet (200') of another on the same side of the street.

SECTION 604: RECREATION AREAS IN RECREATION VEHICLE PARKS OR
CAMP GROUNDS.

- A. In all parks and campgrounds, there shall be one or more recreation areas which shall be easily accessible to all park residents.
- B. The size of such recreation areas shall be based upon a minimum of two hundred square feet (200 Sq. Ft.) for each lot. No outdoor recreation area shall contain less than three thousand square feet (3,000 Sq. Ft.).
- C. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

SECTION 605: EROSION AND SEDIMENT CONTROL.

- A. Every subdivision and land development shall provide proper measures to control soil erosion and sedimentation. A copy of a Soil Erosion and Sedimentation Control Plan shall be submitted with all subdivision and land development plans involving earth disturbance activities of one acre or more, regardless of the requirement for an NPDES permit.
- B. Any application to the Township for a building or other permit which involves, or is contemplated to involve, earth disturbing activity of one acre or more shall submit a copy of the application and any required soil erosion and sedimentation control plans which may be required under the Department of Environmental Protection rules and regulations to the Franklin County Soil Conservation District. No permits will be issued for any subdivision or land development activity requiring a Department of Environmental Protection permit until the Franklin County Soil Conservation District has issued an Erosion and Sedimentation Control permit or individual NPDES permit.
- C. The measures used to control erosion and reduce sedimentation shall, as a minimum, meet the erosion and sedimentation controls and specifications set forth in the latest edition of the Department of Environmental Protection Erosion and Sediment Pollution Control Program manual and all other aspects of the Department of Environmental Protection Chapter 102 regulations as well as the standards set forth in this ordinance. The Township Engineer, or other officials as designated, shall insure compliance with the appropriate specifications and provisions.
- D. Any road maintenance activities that go beyond the existing road cross section and disturb one acre or more of earth shall require an NPDES permit, and any road maintenance activities that remain within the existing cross section but which disturb twenty-five acres or more shall require a permit under Chapter 102 of the Pennsylvania Code in a post-construction stormwater management plan. The Township shall not issue any permit or final approval for projects

that are subject to the Chapter 102 regulations of the Pennsylvania Code until the Township receives proof that the applicant has obtained the necessary permits from the Department of Environmental Protection.

SECTION 606: STORMWATER MANAGEMENT.

The following items shall be considered by the Engineer designing the storm water management plan.

- A. The rate of runoff after development must not exceed the rate of runoff before development.
- B. Determination of pre-development runoff rates shall be based on rainfall runoff rates as calculated for good meadowland or woodland, regardless of prior utilization.
- C. The storm water management plan must consider the management of all storm water runoff flowing over the development site.
- D. The method used for calculating storm water runoff shall be the method designated in Franklin County's approved storm water management plan, or as provided for herein.
- E. The 10 year storm of 4.7 inches per 24 hours intensity shall be used for calculating the rate and volume of storm water runoff.
- F. Storm water roof drains and pipes may discharge water into cisterns, French drains, sheet drains or any other storm water runoff dispersion and absorption control devices, when not a part of a storm water collection system.
- G. No discharge of toxic drainage will be permitted.
- H. Flow velocities may not exceed the maximum permitted receiving channel velocities as noted in the County Storm Water Management Plan and may not result in a change of deflection in direction of the receiving channel.
- I. Vertical pipes, inlets and other surface water receiving structures shall be installed with trash racks which can be easily maintained.
- J. When erosion and sedimentation control measures are used to provide the best storm water management practice, design criteria shall be the standards for the final structure utilization.
- K. Ownership and Maintenance Program.
 - (1) Each proposed Storm Water Management Plan submitted pursuant to this Ordinance shall contain provisions for the ownership and maintenance responsibility of all temporary and permanent storm water management and erosion and sedimentation control facilities including:

- a. Description of maintenance requirements; and
- b. Identification of a responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.

(2) The Township, its agents and employees shall have the right to enter all lands where storm water management and erosion and sedimentation control structures are located for the purpose of inspecting said facilities.

SECTION 607: PARKING AREAS.

At least two (2) off-street parking spaces with access to a street shall be provided for each proposed dwelling unit. Parking areas shall be provided for non-residential uses as required by the intended use.

SECTION 608: OTHER UTILITIES.

- A. All other utility lines including, but not limited to, electric, gas, street light supply, Cable TV, and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township, municipal authority, or other public utility concerned. Where such utilities lie under the proposed cartway, all such underground utilities shall be put in place, connected, and approved before the streets are constructed, and before any person is permitted to occupy any building to be served by such utilities.
- B. In accordance with the provisions of Act 287, any applicant shall contact all applicable utilities and accurately determine the locations and depths of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review, and proof of contact shall be presented to the Township prior to final plan approval.

SECTION 609: WATER SUPPLY

- E. When in accordance with Section 501.B.(8) or Section 502.O.(9), report on water supply is required, the application must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent (40%) below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property owners by ten percent (10%) of pre-development capacity.
- B. Water supply systems shall be designed in accordance with the

prevailing rules and regulations of the Pennsylvania Department of Environmental Protection and any applicable bona fide water authority, or cooperative association of lot owners. Notification from the appropriate authority or association of the existing ability to provide water service, approval of the design plans, and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

- C. Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants and their location shall meet the specifications of the Emergency Management Council. Fire hydrants shall typically be located at street intersections no more than ten (10) feet from the curb. All fitting types shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street and be a minimum of sixteen (16) inches above the ground.
- D. Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- E. If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan application shall include:
 - (1) Evidence that the supplier is a certified public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - (2) Notice of approval of the design, installation, and possible financial guarantee from the provider.
 - (3) Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

SECTION 610: AIRPORT DISTRICT OVERLAY

- A. Height Limitation Within the Conical Surface Zone. Within the area of the Township defined as the Conical Surface Zone, no structure shall be erected or maintained to a height in excess of 175 feet above 688 feet mean sea level. Based on the Surface Area Chart attached as Figure 1, there is attached a survey dated November 8, 2010, prepared by TME Surveying, LLC, detailing applicable elevation data.

- B. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13 (a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 610, Paragraph C.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

- C. Variance. Any request for variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 610, Paragraph F - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air

navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.

In addition to the determination to be submitted with any application for variance, the applicant shall notify the Susquehanna Area Regional Airport Authority of the application and provide the Authority with all application documentation.

- D. Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.
- E. Pre-Existing and Non-Conforming Uses. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.
- F. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 610, Paragraph C, to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

ARTICLE VII IMPROVEMENT REQUIRED

SECTION 700: IMPROVEMENTS REQUIRED.

The Applicant shall provide all improvements required by these Regulations. Construction of all required improvements shall be in accordance with Township specifications unless otherwise specifically noted. When the Township does not have its own engineering specifications for the improvements required the specifications for the improvements shall be determined by the Township Engineer.

SECTION 701: MONUMENTS AND MARKERS.

- A. Monuments must be set:

- (1) At the intersection of lines forming angles in the boundaries of the subdivision; and
- (2) At such intermediate points as may be required by the Engineer.

B. Markers must be set:

- (1) At all lot corners except those monumented; and
- (2) By the time the property is offered for sale.

C. Monuments and Markers:

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete. Pre-Cast intersections will be accepted provided the intersections are accurately set in accordance with the lines being monumented.

D. Street Signs:

Each subdivider/developer must erect signs containing the names of streets, which signs shall be according to the specifications of the Township.

SECTION 702: STREET SURFACING.

A. Paving Requirements:

Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the applicant and approved by the Township. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street, as acceptable to the Township. The pavement base and wearing surface must be constructed to the specifications set forth below:

B. Use of Motor Paver:

All streets and roads to be dedicated to the Township shall be paved with the use of a motor paver and shall meet the following minimum standards:

- (1) Adequate surface and subsurface drainage shall be provided in accordance with approved plans.
- (2) All topsoil and unsuitable material shall be removed from the area to be paved.

C. Cartway and Shoulder Width:

All streets to be dedicated to the Township shall have a minimum paved cartway width of twenty-four feet (24') with not less than a four foot (4') shoulder on each side.

D. Driveway Entrances:

- (1) Driveway entrances or aprons within the street right-of-way shall be not less than ten feet (10') wide for residential development and not less than twenty feet (20') wide for commercial or industrial developments.
- (2) Where a proposed driveway provides access onto a State Highway (Legislative Route, Pennsylvania Route or United States Route) the design of such driveway access and drainage shall be prepared in accordance with the requirements of the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department.

SECTION 703: SANITARY SEWERS AND WATER SUPPLY.

- A. Where a public sanitary sewer system is within 150' of, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within 150' of, a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system, to be connected to the existing or proposed sanitary sewer system if in the Township's opinion it is feasible. Where the municipality has a proposed system, the subdivider shall design and construct a sanitary sewer system to be connected to the proposed system, when in the Township's opinion, it is feasible. Written approval to construct, connect, or to perform any other act relative to the existing sanitary sewerage system of the area sewerage authority shall be obtained by the applicant prior to the Township's issuance of a final approval of a subdivision or development plan.
- B. Where installation of a sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Protection".
- C. Where a public water system is available or planned to be available within 1,000 feet of any part of the proposed subdivision or land development, the subdivider or developer shall design and install a complete water system, including lateral connections, which shall serve every lot, dwelling unit or other unit of occupancy within the

proposed project. All plans and specifications shall comply with Rules and Regulations of the public water supplier and Hamilton Township Board of Supervisors, and are subject to the approval of the public water supplier and Hamilton Township Board of Supervisors. Where a water main of the public water supplier's system is adjacent to the subdivision or land development, and no main extension is required, the subdivider or developer shall install water laterals to each lot, dwelling unit or other unit of occupancy within the subdivision.

- D. Where installation of a public water main supply is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved by the State Department of Environmental Protection, as to source, installation, and quality of water.

ARTICLE VIII
CONSTRUCTION AND ACCEPTANCE OF IMPROVEMENTS

SECTION 800: GENERAL.

The Applicant shall construct all streets, together with all other improvements, including grading, paving, fire hydrants, water mains, street signs, storm drainage facilities, sanitary sewers, traffic control devices, open space and restricted areas, and erosion and sediment control measures in conformance with the final plan as approved. Streets shall be constructed in accord with Township specifications. Other improvements shall be constructed in accordance with the applicable provisions of PennDOT Specifications.

SECTION 801: INSPECTIONS.

- A. The construction or installation of all improvements shall, at all times, be subject to inspection by representatives of the Township. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workmanlike manner, or that erosion or sediment controls are failing to prevent accelerated erosion or water-borne sediment from leaving the site of construction, the said representative is empowered to require corrections to be made and/or the suspension of subdivisions approval, and to issue a cease and desist order which may include any or all of the following sanctions:
- (1) That no lot in the subdivision shall be conveyed or placed under agreement of sale;
 - (2) That all construction on any lots for which a building permit has been issued shall cease; and/or
 - (3) That no further building permits for any lots shall be issued.

- B. The said cease and desist order shall be terminated upon determination by the Township that the said defects or deviations from plan requirements have been corrected.
- C. No underground pipes, structures, subgrades, or base course shall be covered until inspected and approved by the Township. These inspections shall be effected in accordance with Section 801.A., above, and shall occur at the following intervals:
 - (1) Upon excavation and completion of subgrade.
 - (2) Upon excavation, installation, and completion of drainage structures, community sewage systems, or water supply systems.
 - (3) Before binder course.
 - (4) During installation of wearing course.
 - (5) Final inspection.
- D. The developer shall notify the Township at least 24 hours in advance of completion of any construction operations requiring inspection.
- E. All fees and other related costs associated with the inspections set forth in this subsection D. shall be the sole responsibility of the developer and must be paid, in full, before any construction required to be inspected is certified as being acceptable and before any of the bonds providing security for the required construction are released. No street shall be found acceptable by the Township until the engineer's certification of compliance is provided for Township records.

SECTION 802: RELEASE FROM PERFORMANCE GUARANTEE.

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Secretary, in writing, by certified or registered mail, of the completion of the aforesaid improvements and request the Township inspection of the same. Upon receipt of said notice, the Township, or its authorized representative, shall, inspect the same and notify the developer, in writing, the results of said inspection. If the township determines to reject any of said improvements, either in whole or in part, said rejection shall be in writing and mailed to the developer within thirty (30) days after receipt by the Township of the notice above referenced. Said rejection shall contain a detailed statement of the reasons for such nonapproval or rejection.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete those improvements and, upon completion, the same procedure of notification as outlined herein shall be followed.
- E. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered

for dedication and are accepted by the Township. In addition, the performance guarantee shall be held back by the Township until the developer has posted a maintenance guarantee as provided in Section 805 and as-built plans are verified and accepted by the Township.

- D. Partial releases of the performance guarantee during the period of construction shall be authorized as per Section 410.H.

SECTION 803: AS-BUILT PLANS.

Within thirty (30) days after completion and Township approval of subdivision or land development improvements as shown on final plans, and before Township acceptance of such improvements, the developer shall submit to the Board a corrected copy of said plans showing actual dimensions and conditions of streets and all other improvements, certified by a Professional Engineer to be in accordance with actual construction.

SECTION 804: DEDICATION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.

- A. Upon completion of any public improvements shown on an approved subdivision plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements together with satisfactory proof establishing the developer's clear title to said property. Such documents are to be filed with the Township Secretary for review by the Township Solicitor. Deed of dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. The Supervisors may require that at least 50 percent of the lots in any approved subdivision or land development (or phase thereof, if final plan approval has been in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication. Should the streets, even though constructed according to the specifications of this Ordinance, deteriorate before the said 50 percent of the lots have certificates of occupancy issued, such streets shall be repaired in a manner acceptable to the Board before being accepted by the Township.
- B. The Board may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities.

SECTION 805: MAINTENANCE GUARANTEE.

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

final plan. The security shall be in the form authorized for the deposit of the performance guarantee, as described in Section 410 hereof, shall be for a term of 18 months from the date of the acceptance of dedication, and shall be in an amount equal to fifteen percent (15%) of the actual costs of installation of the improvements to be dedicated.

- B. Where maintenance of stormwater retention facilities or private streets is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowner's successors in interest, and may further require that an initial maintenance fund be established in a reasonable amount.

ARTICLE IX
MOBILEHOME PARK REGULATIONS

SECTION 900: MINIMUM AREA AND STREET WIDTHS.

- A. Each mobile home park shall contain a minimum of eight (8) acres of land and shall contain a minimum of ten (10) mobile home spaces.
- B. The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

STREET RIGHT-OF-WAY AND CARTWAY WIDTHS

Right-of-way	50 Feet
Cartway	24 Feet

- C. Provision for additional street width (right-of-way, cartway, or both) may be required where determined to be necessary by the Township in specific cases for:
- (1) Public safety and convenience;
 - (2) Where the number of mobilehomes proposed to be located in a mobilehome park exceeds one hundred (100) units; and
 - (3) Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

SECTION 901: LOTS.

- A. On land laid out as a mobilehome park, not served by public or mobilehome park water system and public or park sewerage collection and treatment system, the land meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall not be less than one hundred feet (100') wide measured at the minimum required setback

line nor less than twenty thousand square feet (20,000 Sq. Ft.) in area, per mobilehome unit, exclusive of streets and other public uses.

- B. On land laid out as a mobilehome park, served by public or mobilehome park water system and not by public or park sewerage collection and treatment system, the land meeting the necessary percolation and soil survey requirements and approved by the Department of Environmental Protection, the lots shall be not less than seventy-five feet (75') wide measured at the minimum required setback line nor less than fifteen thousand square feet (15,000 Sq. Ft.) in area, per mobilehome unit, exclusive of streets and other public uses.
- C. On land laid out as a mobilehome park, served by both public or mobilehome park water system and public or mobilehome park sewerage collection and treatment system acceptable to the Department of Environmental Protection, the lots shall be not less than fifty feet (50') wide measured at the minimum required setback line nor less than ten thousand square feet (10,000 Sq. Ft.) in area per mobilehome unit exclusive of streets and other public areas.

SECTION 902: BUILDING SETBACK LINES.

The minimum setback from the right-of-way line of a dedicated public street shall be thirty-five (35) feet.

SECTION 903: SIDE AND REAR BUILDING LINES.

In a mobilehome park, side and rear building lines shall be not less than fifteen feet (15') from the side and rear lot lines of each mobilehome lot, and not less than twenty-five feet (25') from the mobilehome park property lines on the sides and rear not adjacent to a dedicated public street right-of-way.

SECTION 904: OFF-STREET PARKING REQUIREMENTS.

- A. In a mobilehome park, paved off-street parking areas shall be provided at the rate of two (2) vehicular parking spaces for each mobilehome lot.
- B. Each such off-street parking space shall contain at least four hundred square feet (400 Sq. Ft.) and shall be located within one hundred feet (100') of the mobilehome lot it is intended to serve.

SECTION 905: OPEN SPACE REQUIREMENTS.

- A. In a mobilehome park, not less than ten percent (10%) of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

- B. Such open space shall be protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

SECTION 906: PARK AREAS FOR NON-RESIDENTIAL.

In a mobilehome park, no part of the park shall be used for a non-residential purpose, except such uses that are specifically required for the direct servicing and well being of park residents and for management and maintenance of the park.

SECTION 907: BUFFER STRIPS.

In a mobilehome park, a suitably screened or landscaped buffer strip at least ten feet (10') wide, approved by the Township shall be provided by the developer along all of the property lines separating the mobilehome park from adjacent uses.

SECTION 908: SIGNS AND LIGHTING.

- A. Signs may be permitted subject to the approval of the Township.
- B. All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

SECTION 909: OTHER SITE IMPROVEMENTS.

- A. An enclosure of compatible design and material shall be erected around the entire base of each mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- B. Tie downs to prevent the movement of the mobilehome by natural causes shall be provided for each mobilehome.
- C. Each mobilehome lot shall be provided with a four inch (4") concrete slab on a stable surface at least ten feet (10') by eighteen feet (18') in size for use as a terrace and so located so as to be adjoining and parallel to the mobilehome and not extend into the front or rear yard setback area.
- D. Individual tenants at the mobilehome park may construct attached enclosures or covered patios to individual mobilehomes, provided that such enclosure does not encroach into the front, side or rear yard areas. Township approval shall be required in each case.
- E. Provision shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the mobilehome park shall be subject to the approval of the Pennsylvania Department of Environmental Protection.
- F. There shall be provided in each mobilehome park such other improvements as the Township may require whereby such requirements shall at all times be in the best interests of the park residents.

ARTICLE X
ADMINISTRATION

SECTION 1000: RELIEF FROM UNNECESSARY HARDSHIP.

- A. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unreasonable hardship, the Board of Supervisors may grant such reasonable waivers thereto, which are not contrary to the public interest and so that the spirit of this Ordinance shall be observed and substantial justice done.
- B. Applications for any waiver shall be submitted in writing along with all required fees by the applicant at the time the application is filed with the Township. The application shall state fully the grounds and all the facts relied upon by the applicant. The application shall also state the names and addresses of all adjacent and contiguous owners of real estate. Sufficient additional copies of applications and subdivision plans shall be submitted to the Township to enable the Township to send copies of same to adjoining landowners.
- C. Whenever a waiver is requested by the applicant or is deemed necessary by the Planning Commission, the Planning Commission shall submit the subdivision plan and a copy of its findings to the Board of Supervisors, which reserves the right of final approval on any such waiver.
- D. The subdivision plan submitted by the applicant shall show the current names of all adjacent and contiguous real estate, which shall be mailed a copy of the application for variance and shall be afforded an opportunity for a hearing by the Commission or by the Supervisors, if any, only if requested in writing by an interested party.
- E. In granting any waiver, the Board of Supervisors shall record its action and the grounds for granting any waiver in its minutes.

SECTION 1001: RECORDS.

- A. The Township shall keep a record of its findings, decisions, and recommendations relative to all plans filed with it for review.
- B. All such records shall be public records.

SECTION 1002: FEES AND COSTS.

- A. No application for preliminary or final approval shall be deemed to have been submitted until the fee, as set forth below, shall have been paid.

- B. A subdivision or land development application fee (non-refundable) shall be submitted with any application for preliminary or final plan approval to cover the costs of plan review and processing. Amounts of the application fee shall be fixed by the Board of Supervisors by resolution. The funds shall be used to reimburse the Township for actual expenditures incident to the review and approval processes, including, but not limited to fees of the Township, legal fees and other engineering or consulting fees. Such fees shall not exceed the ordinary and customary charges by the Township Engineer, the attorney or other consultant for similar service in the community and in no event shall the fees exceed the rate or cost charged by the Engineer or a consultant to Hamilton Township when fees are not reimbursed or otherwise imposed on applicants.
- C. As an express condition to final subdivision or land development approval, the applicant for subdivision or land development approval agrees to pay in full all costs associated with the inspection of improvements required to be constructed pursuant to final approval. All such costs must be paid to the Township or at the Township's direction within fifteen (15) days of receipt by the applicant. Failure to make timely payment can be the basis for the issuance of a stop work order or the revocation or denial of existing building permits, at the discretion of the Township.
- D. In the event the applicant disputes the amount of any such fees, the applicant shall, within fourteen (14) days of the billing date, notify the Hamilton Township secretary that such fees are disputed, in which case the Township Supervisors shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- (1) If, within twenty days from the date of billing, the Township Supervisors and the applicant can not agree upon the amount of expenses which are reasonable and necessary, the applicant and the Township Supervisors shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - (2) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - (3) In the event the municipality and applicant can not agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active

judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

- (4) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by One Thousand Dollars (\$1,000.00) or more, the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

SECTION 1003: PREVENTATIVE 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 of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (4) The vendee or lessee of the current owner of record 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.

SECTION 1004: ENFORCEMENT REMEDIES.

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act 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 \$500.00 plus all court costs, including reasonable attorney 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 owner, 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.

SECTION 1005: APPEALS.

Appeals from the actions of the Board with respect to any application for subdivision or land development approval shall be governed by the provisions of Act 247 as they may be amended from time-to-time, or any successor legislation thereto.

SECTION 1006: REPEALER.

Ordinance number 19 ½ adopted October 16, 1965, and all amendments thereto and Ordinance number 45 adopted December 27, 1973, and all amendments thereto are hereby repealed. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in the ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights accrued, or liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed by this Ordinance, nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 1007: EFFECTIVE DATE.

Upon enactment by the Township Supervisors, this Ordinance shall go into effect April 1, 2002.

SECTION 1008: ENACTMENT.

Enacted this 21st day of March, 2002.

HAMILTON TOWNSHIP BOARD OF SUPERVISORS

Michael R. Cassinaga

Paul E. Nagly

James C. Wolinski

ATTEST:

Deborah J. Hollenshead
Hamilton Township Secretary