

## **CHAPTER 22**

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**PART 1**

**SHORT TITLE**

**§22-101. Short Title.**

These regulations shall be known and may be cited as the "Borough of Biglerville Subdivision and Land Development Ordinance."

*(Ord. 10/5/1999A, Art. I, §101)*



**PART 2**

**PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION**

**§22-201. Purpose of the Chapter.**

The purpose of this Chapter is to provide for harmonious development of the Borough and County by:

- A. Ensuring the orderly and efficient integration of subdivisions into the development of the Borough.
- B. Ensuring sites suitable for building purposes and human habitation.
- C. Ensuring conformance of subdivision plans with public improvement plans.
- D. Ensuring coordination of intermunicipal public improvement plans and programs.
- E. Ensuring the protection of water resources and drainage ways.
- F. Ensuring the efficient movement of traffic.
- G. Ensuring the management of stormwater runoff problem areas.
- H. Ensuring equitable handling of all subdivision plans by providing uniform standards and procedures.
- I. Ensuring the greater health, safety and welfare of the citizens of the Borough.
- J. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.

*(Ord. 10/5/1999A, Art. II, §201)*

**§22-202. Authority.**

1. The authority of the Borough Council to adopt this Chapter regulating subdivision and land development within Biglerville Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended by Act 170 of 1988, and as amended thereafter.
2. The Biglerville Borough Council shall have the authority to approve or disapprove all preliminary, preliminary/final and final subdivision or land development plat applications as require herein.

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3. The Borough Council may designate a Planning Committee to meet for the purpose of reviewing subdivision and land development plans and making recommendations to Council.

*(Ord. 10/5/1999A, Art. II, §202)*

### **§22-202. Authority.**

Applications for subdivision and land development located within the Borough shall be forwarded upon receipt, with the appropriate review fee, to the Adams County Office of Planning and Development for review and report. The Borough Council shall not approve such applications until the county review report is received or until the expiration of 30 days from the date the application was forwarded to the County Office of Planning and Development. As evidence of their review and report, officials of the County Office of Planning and Development will sign final plats which have been formally approved by the Borough before such plats are presented for recording.

*(Ord. 10/5/1999A, Art. II, §202)*

### **§22-203. County Review.**

Applications for subdivision and land development located within the Borough of Biglerville shall be forwarded upon receipt, with the appropriate fee, to the Adams County Office of Planning and Development for review and report. The Borough Council shall not approve such applications until the county review report is received or until the expiration of 30 days from the date the application was forwarded to the County Office of Planning and Development. As evidence of their review and report, officials of the County Office of Planning and Development will sign final plats which have been formally approved by the Borough before such plats are presented for recording.

*(Ord. 10/5/1999A, Art. II, §203)*

### **§22-204. Application of Regulations.**

1. No subdivision or land development of any lot, tract or parcel of land located in the Borough shall be effected; no street, sanitary sewers, storm sewers, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final subdivision plat has been approved by the Borough Council and publicly recorded in the manner prescribed herein; nor otherwise; except in strict accordance with the provisions of this Chapter.

2. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plat has been approved by the Borough Council and recorded, and until construction of the improvements required in the manner prescribed herein.

*(Ord. 10/5/1999A, Art. II, §204)*

**§22-205. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, restriction or regulation, the provisions of this Chapter shall be controlling. Where the provisions of a statute, other ordinance, resolution or regulation imposes greater restrictions than that of this Chapter, the provision of such statute, resolution, ordinance or regulation shall be controlling.

*(Ord. 10/5/1999A, Art. II, §205)*



**PART 3**

**DEFINITIONS**

**§22-301. Definitions.**

1. The following words are defined in order to facilitate the interpretation of this Chapter for administrative purposes and in the carrying out of duties by appropriate Borough officers.
2. Unless otherwise expressly stated the following words shall, for the purpose of this Chapter, have the meaning herein indicated.
3. Words used in the present tense include the future tense.
4. The singular includes the plural.
5. The word "person" includes any individual or group of individuals, a corporation, partnership or any other similar entity.
6. The word "lot" includes the words "lot" or "parcel."
7. The term "shall" is always mandatory.
8. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged to be used or occupied."

**ACCESSORY BUILDING** - a building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESS DRIVE** - a paved surface, other than a street, which provides vehicular access from a street or private road to a multifamily residential, nonresidential facility and/or parking area. Access drives shall not include driveways as defined herein.

**ACRE, GROSS** - the entire area of a tract exclusive of existing public rights-of-way whether interior or exterior. Gross acreage does include interior parking areas and access lanes, sidewalks, parks, playgrounds and common open space.

**ACRE, NET** - the actual area proposed for residential development exclusive of existing and proposed rights-of-way, common open space, streets, sidewalks, parks and playgrounds and other nonresidential uses.

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**ALLEY** - a public thoroughfare, other than a minor street, which affords only secondary means of access to abutting properties and not intended for general traffic circulation.

**APPOINTING AUTHORITY** - the Biglerville Borough Council, Adams County, Pennsylvania.

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

**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.

**BLOCK** - an area bounded by streets.

**BOROUGH** - the Borough, Adams County, Pennsylvania, Borough Council, its agents or authorized representatives.

**BOROUGH COUNCIL** - the Borough Council of the Borough, Adams County, Pennsylvania.

**BUFFER YARD** - see "Yard Buffer."

**BUILDING** - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

**BUILDING SETBACK LINE** - the line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

**CARTWAY** - that portion of a street or alley which is improved, designated or intended for vehicular use.

**CLEAR SIGHT TRIANGLE** - an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

**COMMON ELEMENTS** - land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include but are limited to:

- A. The land on which the building is located and portions of the building which are not included in a unit.

- B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building.
- C. The yards, parking area and driveways.
- D. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.
- E. Installations of all central services and utilities.
- F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use.
- G. Such other facilities as are designated as common elements.

**COMMON OPEN SPACE** - see definition "Open Space, Common."

**CONDOMINIUM** - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONDOMINIUM ASSOCIATION** - the community association which administers and maintains the common property and common elements of a condominium.

**COUNTY** - County of Adams, Pennsylvania.

**COVERAGE** - that portion or percentage of the lot area covered by impervious material.

**CROSS-WALK** - a right-of-way, publicly or privately owned, intended to furnish access of pedestrians.

**CUL-DE-SAC** - a minor street open at one end for vehicular and pedestrian access with the opposite end terminating in a vehicular turn around.

**CULVERT** - a structure with appurtenant works which carries a stream or drainage water under or through an embankment or fill.

**CURB** - a stone or concrete boundary usually marking the edge of the roadway or paved area.

**CURB CUT** - the opening along the curb line at which point vehicles may enter or leave the roadway.

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

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

**DEVELOPMENT** - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

**DEVELOPMENT PLAN** - the provision 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, driveways and parking facilities, common open space and public facilities.

### **DRAINAGE** -

- A. Surface water runoff.
- B. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE FACILITY** - any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

**DRAINAGE SYSTEM** - pipes, swales, natural features and manmade improvements designed to carry drainage.

**DRIVEWAY** - a paved or unpaved area used for ingress or egress of vehicles to a parking space or garage for a residential dwelling other than a multifamily development.

**DWELLING** - a building or structure designed for living quarters for one or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

**DWELLING, MANUFACTURED (MOBILE) HOME** - a transportation, single-family detached dwelling intended for permanent occupancy, contained in one unit or in two or more 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. For floodplain management purposes, this definition includes park trailers, travel trailers and other similar vehicles located on site for greater than 180 consecutive days.

**EASEMENT** - a grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**ENGINEER, MUNICIPAL** - a registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

**ENGINEER, PROFESSIONAL** - an individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

**ENGINEERING LAND SURVEYS** - surveys for:

- A. The development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment; provided, however, that tract perimeter surveys shall be the function of the professional land surveyor.
- B. The determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods.
- C. Geodetic or cadastral surveys, underground survey and hydrographic survey.
- D. Sedimentation and erosion control surveys.
- E. The determination of the quantities of materials.
- F. Tests for water percolation in soils.
- G. The preparation of plans and specifications and estimates of proposed work as described herein.

**ENGINEERING SPECIFICATIONS** - the engineering specifications of the Borough regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.

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**EROSION** - the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

**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. It shall also include the conditions resulting therefrom.

**EXISTING CONDITIONS** - land use present at the time a drainage/stormwater management plan is submitted. However, a more impervious existing condition can be used if the developer can document that a more impervious condition was present at the time the Borough adopted this Chapter. For computation purposes, meadow or good woods/forest shall be used for existing pervious and impervious cover, either a composite of meadow, good woods/forest, and impervious/parking shall be used or the various precomputed composite covers for developed areas shall be use.

**EXISTING GRADE** - the vertical location of the ground surface prior to excavation or filling.

**FILL** - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and 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 a fill.

**FINISHED GRADE** - the proposed elevation of the land surface of a site after completion of all site preparation work.

**FLOOD** - a temporary inundation of normally dry land areas.

**FLOOD, BASE (100 YEAR FLOOD)** - a flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

**FLOOD FRINGE** - that portion of the floodplain outside the floodway.

**FLOODPLAIN** -

- A. A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING** - any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter the floodway shall be capable of accommodating a flood of the 100 year magnitude, without increasing the water surface elevation more than 1 foot at any point.

**FUTURE RIGHT-OF-WAY** -

- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- B. A right-of-way established to provide future access to or through undeveloped land.

**GOVERNING BODY** - Biglerville Borough Council, Adams County, Pennsylvania.

**GRADE, EXISTING** - see definition "Existing Grade."

**GRADE, FINISHED** - see definition "Finished Grade."

**IMPERVIOUS CONDITIONS** - a surface that generally prevents the infiltration of water into the ground.

**IMPERVIOUS COVERAGE** - see "Coverage."

**IMPERVIOUS MATERIAL** - any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete, sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

**IMPROVEMENTS** - any manmade immovable item which becomes part of, placed upon or is affixed to real estate.

**LAND DEVELOPMENT** -

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

## SUBDIVISION AND LAND DEVELOPMENT

- (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.
  - (3) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- B. A subdivision of land.
- C. The following activities shall be exempt from the submission of a land development plan. However, all other requirements shall be complied with.
- (1) The conversion of an existing single-family detached dwelling or single-family semidetached 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.
  - (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.

**LANDOWNER** - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LANDSCAPE SCREEN** - a completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and high level screen.

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

**LOT AREA** - the total area within the lot lines, excluding the area within any street right-of-way, but including the area of any easement.

**LOT, DOUBLE FRONTAGE** - an interior lot having frontage on two streets.

**LOT LINES** - the lines bounding a lot as defined herein.

**LOT OF RECORD** - a lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

**LOT, MINIMUM WIDTH** - the minimum lot width at the building setback line.

**LOT, REVERSE FRONTAGE** - a lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

**LOT WIDTH** - the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MANUFACTURED (MOBILE) HOME, DWELLING** - see definition "Dwelling, Manufactured (Mobile) Home."

**MANUFACTURED (MOBILE) HOME LOT** - a parcel of land in a manufactured (mobile) home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured (mobile) homes.

**MANUFACTURED (MOBILE) HOME PARK** - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured (mobile) home lots for the placement thereon of manufactured (mobile) homes.

**MASTER DEED** - a legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

**OPEN SPACE** - the unoccupied space open to the sky on the same lot with the building, not including parking lots.

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

**PAVED AREA** - that amount of land required for the location of adequate parking spaces, driveways or other access roads. In the computation of a paved area, the actual building area shall be excluded.

**PERSON** - any individual or group of individuals, or corporations, partnership.

**PERVIOUS SURFACE** - a surface that generally permits the infiltration of water into the ground.

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**PLAN, COMPREHENSIVE** - the Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Official Map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Borough in which the subdivision or land development is located.

**PLAN, SKETCH** - an informal plan, not necessary to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

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

- A. **FINAL PLAT** - a complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements. Definition of "final plat" shall include "minor plat."
- B. **PRELIMINARY PLAT** - a tentative subdivision or land development plan, in lesser detail than a final plan showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PREMISES** - any lot, parcel or tract of land and any building constructed thereon.

**PRINCIPAL BUILDING OR PRINCIPAL USE** - the basic purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, manufacturing or public in nature.

**PRIVATE** - not publicly owned, operated or controlled.

**PRIVATE ROAD** - a legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

**PROFILE LINE** - means the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.

**PUBLIC** - owned, operated or controlled by a government agency (Federal, State, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

**PUBLIC GROUNDS** - public grounds include the following:

- 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.

**PUBLIC HEARING** - a formal meeting held pursuant to public notice by the Borough Council intended to inform and obtain public comment, prior to taking action.

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

**PUBLIC NOTICE** - notice published once each week for 2 successive weeks in a newspaper or general circulation in the Borough. Such a 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.

**REAL ESTATE** - any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

**RESERVE STRIP** - a strip of land adjacent to a street intended to control access to the street from an adjacent property.

**REVERSE FRONTAGE LOT** - see definition "Lot, Reverse Frontage."

**RIGHT-OF-WAY** - a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY, STREET** - a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

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

**SANITARY SEWER (PUBLIC)** - a sanitary sewer collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SCREENING PLANTING** - a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts, the structures and uses on the premises on which the screen planting is located.

## SUBDIVISION AND LAND DEVELOPMENT

**SCREENING** - a device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the materials of sufficient mass to be opaque or that shall become opaque after a specified period of time and which shall be maintained in an opaque condition: walls, berms or plantings.

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

**SERVICE DRIVE (PRIVATE)** - a service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.

**SETBACK LINE** - see definition "Building Setback Line."

**SHADOW ANALYSIS** - a graphic representation of shadows cast by natural landscaping, screening and structures plotted with regard to topography, slope and direction at 9 a.m., noon and 3 p.m. on the date of the winter solstice.

**SIDEWALK** - a paved, surfaced or leveled area, parallel to and usually separated from, the street, used as a pedestrian walkway.

**SIGHT DISTANCE** - the 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.

**SINGLE AND SEPARATE OWNERSHIP** - the ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

**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.

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

**SOLAR ENERGY** - radiant energy (direct, diffused or reflected) received from the sun at wave lengths suitable for conversion into thermal, chemical or electrical energy.

**SOLAR ENERGY COLLECTOR** - any device, structure or part of a device or structure which is used primarily to transform solar energy into thermal, chemical or electrical energy, including any space or structural component specifically designed to retain heat derived from solar energy.

**SOLAR ENERGY SYSTEM** - a complete design or assembly consisting of a solar energy collector, an energy storage facility (where appropriate) and components for the distribution of transformed energy to the extent that they cannot be used jointly with a conventional energy system. Passive solar energy systems which use the natural properties of materials and architectural components to collect and store solar energy without using any external mechanical power are included in this definition if they do not fulfill structural or other functions.

**SOLAR SKYSPACE** - the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

**SOLAR SKYSPACE EASEMENT** - a right expressed in an easement covenant or condition or other property interest in any deed or other instrument executed by or on behalf of any landlord which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

**STORMWATER DETENTION** - any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

**STORMWATER MANAGEMENT FACILITIES** - facilities designed to reduce peak flows and/or volumes, such as stormwater management ponds, underground storage, rooftop storage and pervious parking.

**STREAM** - a watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

**STREET** - a public right-of-way constructed to municipal standards which includes avenue, boulevard, road, highway, freeway, parkway and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. A street shall not include a lane or alley for purposes of this Chapter.

**STREET CENTERLINE** - the center of the surveyed right-of-way, or where not surveyed, the center of the traveled cartway.

**STREET GRADE** - the officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** - the street line is the right-of-way line of a public street.

**STREET, MAJOR** -

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- A. **ARTERIAL STREET** - a major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- B. **COLLECTOR STREET** - a major street or highway which carries traffic from minor streets to arterial streets which may include the principal entrance streets of a residential development and streets for circulation within such a development.

**STREET, MINOR** - a street used primarily for access to abutting properties.

**STREET WIDTH** - the shortest distance between the lines delineating the right-of-way of a street.

**STRUCTURE** - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**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 Chapter.

**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, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement or access or residential dwellings, shall be exempted.

- A. **MAJOR SUBDIVISION** - any subdivision involving more than five lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other facilities immediate or future.
- B. **MINOR SUBDIVISION** - the subdivision of a single lot, tract or parcel of land into five or fewer lots, tracts or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further that there is not created by the subdivision any new street, street easement, easements of access or other public improvements are proposed.

**SUBSTANTIALLY COMPLETED** - where in the judgment of the Municipal Engineer, at least 90% (based on the cost of the required improvements of which financial security was posted pursuant to §509 of the Municipalities Planning Code) 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.

**SURFACE DRAINAGE PLAN** - a plan showing all present and proposed grades and facilities for stormwater drainage.

**SURVEYOR, PROFESSIONAL LAND** - an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying.

**SWALE** - a low-lying stretch of land characterized as a depression used to carry surface water runoff.

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

**TOPOGRAPHY** - the configuration of a surface area showing relative elevations.

**TOP SOIL** - surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

**UNDEVELOPED LAND** - any lot, tract or parcel of land which has not been graded to or in any other manner prepared for the construction of a building.

**UNIT** - means a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

**UTILITY, PUBLIC OR PRIVATE** -

- A. Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.
- B. A closely regulated private enterprise with an exclusive franchise for providing a public service.

**VEGETATIVE COVER** - shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

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**WATERCOURSE** - a permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or manmade.

**WETLANDS** - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs and similar areas.

**YARD** - an occupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

**YARD BUFFER** - a strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in the Biglerville Zoning Ordinance [Chapter 27], and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall.

*(Ord. 10/5/1999A, Art. III, §301)*

**PART 4**

**PLAT SPECIFICATIONS AND PROCESSING PROCEDURES**

**§22-401. General Requirements.**

Whenever a subdivision of land or land development is desired to be effected in the Borough, a plat of the layout of such subdivision or land development shall be prepared filed and processed according to the requirements of this Chapter.

*(Ord. 10/5/1999A, Art. IV, §401)*

**§22-402. Optional Sketch Plans.**

1. Prior to the filing of a subdivision or land development plat for review and approval, the applicant is encouraged to submit a sketch plan to the Borough for advice on the requirements necessary to achieve conformity with the standards of this and other applicable Borough ordinances, as well as, to alert the applicant to other factors which must be considered in the design of the subdivision or land development.
2. The plan shall be clearly labeled "SKETCH PLAN" and should include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located. It is recommended that sketch plan submissions include the following:
  - A. A location map.
  - B. An informal plan of any existing or proposed streets, buildings, lot arrangement, utilities, significant natural features and other elements within the proposed subdivision or land development including topographic contours, floodplains as referenced from a Flood Insurance Rate Map or other maps or land subject to flooding as determined by the Borough Engineer. The scale shall be a minimum of 1 inch equals 100 feet. [*Ord. 6-2001*]
  - C. A statement indicating the zoning district.
  - D. Soil boundaries as taken from the Adams County Soil Survey Manual.
3. Prior to the preparation of any plans, the applicant should consult with the Adams County Conservation District concerning the preparation of plans for stormwater management and erosion and sedimentation control.
4. The applicant shall consult with the Borough regarding the availability for public water and public sewer.

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5. At this stage, the Borough shall assist the applicant in determining whether or not the site is located in an identified flood hazard area, in which case compliance with applicable floodplain management provisions shall be required.
6. If the sketch plan is reviewed by the Engineer or Solicitor, the applicant shall provide the Borough with a deposit, in an amount equivalent to that required for a preliminary plan, to cover the cost of such review.

(*Ord. 10/5/1999A*, Art. IV, §402; as amended by *Ord. 6-2001*, 9/4/2001, Art. IV)

### **§22-403. Minor Subdivision and Land Development Application.**

1. Where five or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, the plan shall be filed as a minor subdivision, provided all lots will front on an existing public street and no new streets or other public improvements are proposed. In such cases the applicant shall submit a final plat as follows:
  - A. The final plat shall be submitted and processed as required by §22-404(3), "Final Plats: Procedure," and contain the following data and plat specifications:
    - (1) Twelve copies and one reproducible sepia (or other reproducible material of equal quality) copy of the plat prepared by a registered surveyor or engineer, at a maximum scale of 1 inch equals 100 feet, on sheets no larger than 24" x 36" clearly labeled "FINAL PLAN," shall be submitted containing the following information:
      - (a) The development or property name.
      - (b) A location map on the plat (minimum scale 1 inch equals 2,000 feet) showing property location, streets and other pertinent information.
      - (c) Outline of property from which lot(s) are being subdivided, lot area, bearings and distances of lot lines and referenced primary control point.
      - (d) Right-of-way widths, cartway widths and street names and numbers for existing and/or proposed streets and alleys.
      - (e) Tract boundary lines, easements and other rights-of-way and property lines of lots or parcels in unit, cooperative or condominium subdivision/land developments and other sites, with accurate dimensions, bearings, or deflection angles and radii, arc, and central angles of all curves.

- (f) Existing manmade features.
- (g) Name of zoning district.
- (h) Building setback lines on all lots or parcels in unit, cooperative or condominium subdivisions and/or sites.
- (i) Existing contours at vertical intervals of 2 feet or less or as required by the Borough.
- (j) Location and description of survey monuments shown on the plat.
- (k) Locations of existing and/or proposed public utilities and/or associated rights-of-way or easements.
- (l) Existing natural features, such as watercourses, wetlands, marches, rock outcrops and wooded areas.
- (m) Affected property deed reference including, book and page number.
- (n) Adjacent landowner names.
- (o) Reference to recorded subdivision/land development plats of adjoining platted land and by record name, date and number.
- (p) Name, address and telephone number or owner or applicant.
- (q) Name, address, and telephone number and seal of professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey (as defined herein). (Example contained in Exhibit I herein).
- (r) Date of plat preparation.
- (s) Borough where property is located.
- (t) North point and scale.
- (u) Certification of ownership and dedicatory statement signed by owner. (Example contained in Exhibit I herein.)
- (v) Notary public and recording statement. (Example contained in Exhibit I herein).

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- (w) Review/approval blocks to be signed by the Borough Planning Commission (where applicable), Borough Council, Borough Engineer, and the Adams County Office of Planning and Development. Block for plan recordation should be provided for the Adams County Office of the Recorder of Deeds. (Example contained in Exhibit II herein).
- (x) Proposed protective covenants running with the land, if any.
- (y) When applicable, a copy of the "Sewage 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 and 25 Pa. Code, Chapter 71, as amended.
- (z) When applicable, a statement should be included on plat regarding the presence of wetlands. The statement should not that no development is proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate Federal and State regulating agencies. Disturbance of wetlands shall include, but not be limited to, filling, draining or building activities.
- (aa) Compliance with applicable floodplain related regulations or drainage standards of Biglerville Borough or Pennsylvania DEP regulations, pertaining to applications located in a flood hazard area. [*Ord. 6-2001*]
- (bb) When the proposed subdivision abuts a State highway (Pennsylvania route or United States route), evidence in writing from the Pennsylvania Department of Transportation indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's highway occupancy permits.
- (cc) Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision and land development, the applicant shall present evidence to the Planning Commission that the subdivision or land development is to be adequately supplied by a municipal corporation, authority or utility or a bona fide cooperative association of lot owners. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be deemed acceptable evidence. [*Ord. 6-2001*]

- (dd) Such other data as may be required by the Planning Commission or Borough Council in the enforcement of this Chapter.
  - (2) Where deemed necessary, a stormwater management and erosion control plan shall be submitted in accordance with the requirements of the Borough Stormwater Management Ordinance [Chapter 26, Part 1].
2. After two minor subdivisions have taken place within any given tract, the developer shall be required to submit a preliminary plan for the entire tract, in accordance with §§22-404(1) and 22-404(2) herein, as part of next subsequent application, unless the size, frequency and interrelationships of prior subdivisions clearly do not warrant such.

*(Ord. 10/5/1999A, Art. IV, §403; as amended by Ord. 6-2001, 9/4/2001, Art. IV)*

**§22-404. Major Subdivision and Land Development Application.**

In proposed residential developments involving no more than five lots proposing exclusively single family detached dwellings that will abut an existing public right-of-way and will not require construction of public improvements the submission of a preliminary plan is waived. However, all other applicable requirements and specifications shall remain the same.

**A. Preliminary Plans; Procedure.**

- (1) The applicant, 15 business days prior to the meetings of the Biglerville Borough Council at which consideration is desired shall file with the Borough Secretary 12 blue line or black line paper prints of a complete preliminary plan of the proposed subdivision or land development and other required data and maps. The applicant shall submit concurrently, with the preliminary plat, five copies of the sewage plan revision module for land development if applicable.
- (2) The applicant shall also submit copies to the Adams County Office of Planning and Development, Borough Engineer and Adams County Conservation District.
- (3) The Adams County Office of Planning and Development shall review the preliminary plat and data and shall return one copy of a written report stating their suggestions for modifications and design changes to the Borough within 30 days of their receipt of same or forfeit their right to review.
- (4) The Borough Council shall act on any such preliminary plat not later than 90 days following the date of the regular meeting of the Borough Council following the date the application is filed, provided that should

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the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 30th day following the day the application has been filed. In the event that any alteration of requirements from this Chapter is requested by the applicant or is deemed necessary by the Borough for approval, the alteration and the reason for its necessity shall be entered in the records of the Borough.

- (5) The Borough Council shall determine whether the preliminary plat shall be approved, or disapproved, and shall notify the applicant in writing thereof, including, if approved with conditions or disapproved, a statement of reasons for such action, not later than 15 days following the decision.
- (6) Before acting on any subdivision plat, the Borough Council, may hold a public hearing thereon after public notice.
- (7) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Chapter.
- (8) Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision Plans" is contained in Exhibit III herein.)
- (9) Approval of the preliminary plan constitutes approval of the proposed subdivision or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary approval binds the developer to the general scheme of the plan as approved. Preliminary approval does not authorize the recording, sale or transfer of lots or the installation of improvements.
- (10) Preliminary approval shall expire within 5 years after being granted. An extension of time may be requested by the applicant and approved by the Borough Council in accordance with §508(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Request for extension shall be submitted to the Borough Secretary 30 days prior to any prevailing expiration date.

**B. Preliminary Plan; Specifications.**

- (1) The preliminary plan shall include the following:
  - (a) The plans shall not be larger than 24 inches x 36 inches drawn to scale not smaller than 50 feet to the inch, unless otherwise approved by the Borough Engineer. The total tract boundary lines of the area being subdivided shall be shown. Distances shall be to the hundredth of a foot and bearings shall be to one second. These boundaries shall be determined by accurate survey, which shall close with an error of closure not to exceed 1 foot in 10,000 feet before adjustment. In addition, the surveyor or engineer shall certify to the placement of all monuments. Also, when applicable, a plot drawn to scale, shall be provided showing the entire tract and the location of the lots being subdivided.
  - (b) In the case where the preliminary plan covers only a portion of the affected tract, a key map at a scale not smaller than 400 feet, showing the entire tract with contours at intervals no less than 20 feet, natural features, proposed street system, abutting streets, names of abutting property owners and location of proposed subdivision/land development.
  - (c) The development or property name.
  - (d) The owner's and/or applicant's name, address and telephone number.
  - (e) The municipality's name in which the plan is located.
  - (f) Name, address, telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey (as defined herein). (Example contained in Exhibit I herein.)
  - (g) North point and/or written and graphic scale.
  - (h) Building set back lines.
  - (i) Certification of ownership and dedicatory statement signed by the owner and/or developer. (Example contained in Exhibit I herein.)
  - (j) Notary public and recording statement. (Example contained in Exhibit I herein.)

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- (k) Review/approval blocks to be signed by the Borough Council, Borough Engineer and the Adams County Office of Planning and Development. Block for plan recordation should be provided for the Adams County Office of the Recorder of Deeds. (Example contained in Exhibit II herein.)
- (l) A location map on the plat (minimum scale 1 equals 2,000 feet) showing property location, municipal boundaries, streets and other pertinent information.
- (m) Existing natural features, such as watercourses, wetlands, arches, rock outcrops and wooded areas.
- (n) All existing buildings, streets, alleys, sanitary and storm sewers, water mains, culverts, fire hydrants and other significant manmade features on or adjacent to the tract.
- (o) Existing contours at vertical intervals of 2 feet or less or as required by the Borough. Contour intervals of 1 foot are required for utility and drainage plans.
- (p) Right-of-way widths, cartway widths and names and numbers for existing and/or proposed streets, alleys and easements.
- (q) The layout of lots showing approximate dimensions lot numbers and approximate area of each lot.
- (r) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space or other public, semipublic or community purposes.
- (s) When applicable, a statement should be included in plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate Federal and State regulating agencies. Disturbance of wetlands shall include, but not be limited to, filling, draining or building activities.
- (t) Where the subdivision and/or land development lies partially or completely within any identified floodplain area or district or where such activities border on any identified floodplain area or district or lands subject to flooding as determined by the Borough Engineer, the preliminary plat shall include the following information: [*Ord. 6-2001*]

- 1) Location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection.
  - 2) Floodway and 100 year flood elevations.
  - 3) Areas subject to special deed restrictions.
- (u) A statement of the intended use of all lots including reference to zoning districts, with reference to restrictions of any type which may exist or will exist at covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number. [*Ord. 6-2001*]
- (v) A listing of underground utilities as required by Pa. Acts 287, 172 and 38, as may be amended.
- (2) The preliminary plan shall be accompanied by the following supplementary information, where applicable.
- (a) A profile of each street, including grades.
  - (b) Location of existing and proposed utility mains.
  - (c) Location plans of proposed sanitary and/or storm water sewers and of any proposed water distribution systems.
  - (d) A profile of the proposed sanitary and storm sewers and water lines, with invert elevations and connections to existing systems.
  - (e) Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence to the Borough that the subdivision or land development is to be adequately supplied by a municipal corporation, authority or utility or a bona fide cooperative association of lot owners. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. [*Ord. 6-2001*]
  - (f) A stormwater management/erosion and sedimentation control plan. The stormwater management plan shall conform to the Borough's Stormwater Management Ordinance [Chapter 26, Part 1] and shall be approved as part of the preliminary plan.

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- (g) A completed sewage plan revision module for land development to comply with the planning requirements of the Pennsylvania Sewage Facilities Act. Approval of the planning module by Pennsylvania DEP is required prior to preliminary plan approval.
- (h) Where the proposed subdivision abuts a State highway (Pennsylvania route or United States route), evidence in writing from the Pennsylvania Department of Transportation indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's highway occupancy permits.
- (i) Where deemed necessary by the Borough Council or Borough Engineer/Consultant, a traffic study 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 requirements and parameters shall be as specified by the Borough Engineer.
- (j) A landscaping plan in accordance with the requirements of this Chapter.
- (k) Traffic control devices, as may be required, including any necessary engineering studies to justify such devices.

### **C. Final Plats; Procedure.**

- (1) The applicant shall, not later than 5 years after the date of approval of the preliminary plat, for that portion intended to be developed, file with the Borough Secretary, a final plan. Such filing shall include, as part of the formal submission, all the material and other data required under the final plan specifications as listed herein. Failure to comply with the time limitation herein provided shall make the approval of the preliminary plot null and void unless an extension of time is granted.
- (2) The final plat shall incorporate all the changes and modifications required by the Borough Council and shall conform to the approved preliminary plat.
- (3) The applicant, 15 business days prior to the meeting of the Borough Council at which consideration is desired, shall file with the Borough Secretary, the applicable application and filing fee, one reproducible sepia (or other reproducible material of equal equality) copy of the final

plat and 12 prints of a complete final plat of the proposed subdivision or land development and other required data and maps. The applicant shall submit concurrently, with the final plan, five copies of the approved sewage plan revision module for land development, if applicable.

- (4) The applicant shall submit copies of the Adams County Office of Planning and Development, Borough Engineer.
- (5) The Adams County Office of Planning and Development shall review the final plat and data and shall return one copy of a written report stating their suggestions for modifications and design changes to the Borough within 30 days of their receipt of same or forfeit their right to review.
- (6) Before approval of a final plat, the Borough Council must be assured of the completion of all required improvements or common amenities, including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required. Such assurance shall be by means of financial security deposited with the Borough Council in sufficient amount to cover the costs of any improvements/common amenities and be in the form of Federal or Commonwealth chartered institution irrevocable letters of credit (Example contained in Exhibit IV herein) or restrictive or escrow accounts in such lending institutions, or any other type of financial security which the Borough Council may approve.
- (7) When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- (8) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided such bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such financial security shall provide for, and secure to

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the public, the completion of any improvements/amenities which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of improvements/amenities. (A sample "Agreement to Establish Security" is contained in Exhibit V.)

- (9) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. The Borough Council may annually adjust the amount of the financial security by comparing the actual cost of the improvements/amenities which have been completed and the estimated cost for the completion of the remaining improvements/amenities as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date for completion. Subsequent to said adjustment Borough Council may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with provisions herein.
- (10) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements/amenities, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough Council upon the recommendation of the Borough Engineer/Consultant may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough Council and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- (11) If the party posting the financial security requires more than 1 year, from the date of posting of the financial security, to complete the required improvements/amenities, the amounts of financial security may be increased by an additional 10% for each 1 year period beyond the first anniversary date from posting of the financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 year period by using the above bidding procedure.

- (12) Where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or stage of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- (13) As the work of installing the required improvements/amenities proceeds, the party posting the financial security may request the Borough Council to release or authorize the release of, 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 Borough Council who shall have 45 days from receipt of such request in which to allow the Borough Engineer/Consultant to certify, in writing, to the Borough Council that such portion of the work upon the improvements/amenities has been completed in accordance with the approved plat. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount, as estimated by the Borough Engineer/Consultant, fairly representing the value of the improvements/amenities completed. If the Borough Council fails to act within the said 45 day period, it shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer/Consultant, require retention of 10% of the estimated cost of the aforesaid improvements/amenities.
- (14) Where the Borough Council accepts dedication of all or some of the required improvements following completion it may require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements and the amount of such financial security shall not exceed 15% of the actual cost of installation of said improvements.
- (15) If water mains or sanitary sewer lines or both along with apparatus or facilities related there, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

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- (16) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plat, upon actual completion of the improvements depicted on the approved final plat. If financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvements of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted on the approved plat either on the lot or lots beyond the lot or lots in question, if such improvements are necessary for the reasonable use or of occupancy of the building or buildings.
- (17) When the developer has completed all of the required improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer/Consultant.
- (a) The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer/Consultant to inspect all of the required improvements.
  - (b) The Borough Engineer shall, thereupon, file a report in writing, with the Borough Council and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the authorization for inspection by the Borough Council.
  - (c) The report shall be detailed and shall indicate approval or rejection of said improvements/amenities, either in whole or in part, and if said improvements/amenities or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for nonapproval or rejection.
  - (d) The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail, of the action of the Borough Council with relation thereto.

- (e) If the Borough Council or the Borough Engineer/Consultant fails to comply with the time limitation provisions contained herein all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond or other security agreement.
  - (f) If any portion of the said improvement shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
- (18) The Borough Council may prescribe that the applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer and/or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
- (a) In the event the application disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough Council that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed engineer expenses.
  - (b) If, within 20 days from the date of billing, the Borough Council and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough Council shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (d) In the event that the Borough Council and applicant cannot agree upon the professional engineer to be appointed within the 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the 51st Judicial

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District (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or perform services for, the Borough or the applicant within the preceding 5 years.

- (e) The fee of the appointed professional engineer for determining the reasonable and necessary express shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay  $\frac{1}{2}$  of the fee of the appointed professional engineer.
- (19) Before acting on any subdivision plat, the Borough Council may hold a public hearing thereon after public notice.
- (20) The Borough Council shall act on any such final plat not later than 90 days following the date of the regular meeting of the Borough Council following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 13th day following the day the application has been filed. In the event that any alteration of requirements from this Chapter is requested by the applicant or is deemed necessary by the Council for approval, the alteration and the reason for its necessity shall be entered in the records of the Council.
- (21) The Borough Council shall determine whether the final plat shall be approved or disapproved and shall notify the applicant in writing thereof including, if approved with conditions or disapproved, a statement of reasons for such action, not later than 15 days following the decision.
- (22) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirement which have not been met and shall, in each case, cite the provisions of the Chapter.
- (23) Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision,

in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision Plans" is contained in Exhibit III herein.)

- (24) No changes, erasures, modifications or revision shall be made on any final plat of a subdivision or land development after approval has been given by the Borough Council, and endorsed in writing on the plat, unless the plat is first resubmitted to the Borough Council.
- (25) Upon the approval of a final plat the applicant or developer shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by Borough Council, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Recorder of Deeds of Adams County. One recorded copy of the plat shall be transmitted to the Borough by the applicant or developer. [*Ord. 6-2003*]
- (26) In accordance with §508(4) of the Pennsylvania Municipalities Planning Code Act 247, as amended when an application for approval of a plat, whether preliminary or final has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.

**D. Final Plan: Specifications.**

- (1) The following shall be submitted as part of the application for review and approval of a final plat:
  - (a) The final plat in the form of a map or series of maps on sheets no larger than 24 inches by 36 inches, drawn to a scale not smaller than 50 feet to the inch, (unless approved by the Borough Engineer) and clearly labeled "FINAL PLAN." When more than one sheet is required, an index sheet of the entire subdivision or land development shall be shown on a sheet of the same size. The final plan shall be drawn in ink and in addition to the requirements shall show the following:
  - (b) Primary control points or description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the subdivision or land development plat shall be referred.

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- (c) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots or parcels in unit, cooperative or condominium subdivisions and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- (d) Locations and descriptions of survey monuments. All permanent reference monuments shown and described on the plat.
- (e) Name, address, telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey, as defined herein. (Example contained in Exhibit I herein.)
- (f) Certification of title showing that the applicant is the owner of land, agent of the landowner or tenant with permission of the landowner. (Example continued in Exhibit I herein.)
- (g) Statement by the owner dedicating streets, rights-of-way and any site for public uses which are to be dedicated. (Example contained in Exhibit I herein.)
- (h) Proposed protective covenants running with the land, if any.
- (i) Name, address and telephone number of the owner/applicant.
- (j) Street lighting facilities, as applicable.
- (k) A location map on the plat (minimum scale 1 equals 1,000 feet) showing property location streets and other pertinent information.
- (l) Number to identify each lot or parcel in unit cooperative or condominium subdivisions and/or site.
- (m) Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivisions are dedicated or reserved.
- (n) Building setback lines on all lots or parcels in unit, cooperative or condominium subdivisions and/or sites.
- (o) Existing and proposed contours at vertical intervals as determined at the preliminary plat stage.
- (p) Names or record owners of adjoining land.

- (q) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (r) A copy of the approved stormwater management and erosion and sedimentation control plan.
- (s) Prior to final approval of plat, where the proposed subdivision or land development abuts a State highway (Pennsylvania route or United States route), the applicant shall provide written evidence that the plat will be submitted to the Pennsylvania Department of Transportation for their review and concurrence with the proposed design for driveway access and drainage required for issuance of the Department's highway occupancy permits. Written evidence will be a note on the plat which should read, "No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to §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."
- (t) Review/approval blocks to be signed by the appropriate officers of the Borough Council, Borough Engineer and the Adams County Office of Planning and Development. Block for plan recordation should be provided for the Adams County Office of the Recorder of Deeds. (Example contained in Exhibit II herein.)
- (u) **Other Data.** The final plan, where required, shall be accompanied by the following supplementary data and plans.
  - 1) Profiles of streets and alleys showing grades.
  - 2) Typical cross sections of each type of street minor streets, collectors, etc., showing the width of right-of-way, width of cartway, location and width of curbs and sidewalks, if required, and location and size of utility mains.
  - 3) Plans and profiles or proposed sanitary and stormwater 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) Certificates of agreement to provide service from applicable utility companies.

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- 5) In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the final plat, a covenant with the land assuring the implementation of the erosion and sedimentation control plan by the lot owners.
- 6) A copy of the approved sewage plan revision module for land development approved by the Pennsylvania Department of Environmental Protection.
- 7) When any portion of the tract proposed for subdivision or land development is located within an identified flood district, floodplain area or area subject to flooding as determined by the Borough Engineer, the following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor: [*Ord. 6-2001*]
  - a) The exact location and elevation proposed buildings, structures, roads and public utilities to be constructed within any identified floodplain area or district. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the floodplain areas, and all be verified by the Borough Engineer.
  - b) Submission of the final plat shall also be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Pennsylvania Department of Community and Economic Development, and the Federal Insurance Administration shall also be notified whenever any such activity is proposed. [*Ord. 6-2003*]
- 8) When applicable, a statement should be included on plan regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate Federal and State regulating agencies. Disturbance of wetlands shall include, but not be limited to, filling, draining or building activities.

- 9) Where a private road or street is proposed or existence as the proposed access for any lot or lots in the plan, the plan shall be accompanied by a maintenance agreement for said road or street, obligating all affected property owners.
- 10) Where surface stormwater drainage is to be carried off-site or outside the right-of-way of any existing or proposed streets, the plan shall be accompanied by necessary drainage easement agreements.
- 11) Such other certificates, affidavits, endorsements or dedications as may be required by the Borough Council in the enforcement of these regulations.
- 12) Where required by the Borough, land development agreement(s) shall be executed. A land development agreement is required where there will be dedication of improvements to the Borough or under the circumstances where deemed to be necessary for implementation of plan approval. Details and provisions of such agreement shall be as recommended by the Borough's Solicitor or Engineer.

E. **Resubdivision Procedure.** Any replatting or resubdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of this Chapter.

F. **Additions to Existing Lots.** A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size provided that:

- (1) The parcel to be added must be contiguous to the existing lot.
- (2) The addition must maintain or improve the overall straightness of the lot lines.
- (3) The plan prepared for the addition of this parcel shall follow the procedures outlined in this Chapter.
- (4) The applicant shall record in the Miscellaneous Docket in the Recorder of Deeds Office of Adams County a memorandum that both parcels shall be considered as one single tract for the purposes of subdivision.

*(Ord. 10/5/1999A, Art. IV, §404; as amended by Ord. 6-2001, 9/4/2001, Art. IV; and by Ord. 6-2003, 9/2/2003, §1)*

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### **§22-405. Commencement and Completion of Construction and Improvements.**

1. No construction shall be commenced until the following applicable items have been addressed to the satisfaction of the Borough.
  - A. Final plan approval; security agreement; developers or land development agreements; along with any other Borough permits.
2. No construction shall be commenced until the applicant files with the Borough all permits, clearances and the like from government agencies (such as those from the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation and/or the Borough) authorities and companies which may provide water supply or sewage disposal facilities pipeline easement holders or others.
3. The applicant shall commence construction of improvements within 1 year from the approval date of the final plan, unless approved otherwise by the Borough.
4. In the case where development is projected over a number of years, each section except for the last section, shall contain a minimum of 25% of the total number of lots, dwelling units or buildings as depicted in the final plan, unless a lesser percentage is approved by the Borough.
5. A copy of the approved plan shall be available at the construction site at all times.
6. Building permits shall not be issued until streets are in a passable, mud-free condition. This is considered to be at such time that stone subbase, base pavement, stormwater management and utilities have been completed.

*(Ord. 10/5/1999A, Art. IV, §405)*

### **§22-406. As-Built Plan.**

1. After final plan approval and upon completion of all required improvements, the applicant shall submit an as-built prepared, signed and sealed by a registered engineer or surveyor.
2. The as-built plan shall be reproducible and drawn to the same scale as the final plan and shall be certified by the engineer of the landowner or developer and approved by the Borough Engineer.
  - A. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements included, but not limited to:

- (1) Monuments and markers.
  - (2) The location of the cartway and curb, for both sidewalks of each street.
  - (3) Sanitary sewer main, manholes, rim and invert elevations and laterals.
  - (4) Storm sewer main, inlets, rim and invert elevations and culverts.
  - (5) Water mains, service lines, valves and fire hydrants.
  - (6) Street lights.
  - (7) Landscaping and screen planting.
  - (8) Berms.
  - (9) Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet structure elevations and as-built elevations for all detention/retention basins or other storage structures.
  - (10) All easements.
  - (11) All buried utilities: gas, electric, cable, water, sewer, etc.
- B. The as-built plan shall be submitted in complete and accurate form prior to the final release of security funds being withheld, as provided in this Chapter.
- C. Completion of as built drawings in accordance with this Chapter shall not relieve the applicant from its responsibility as may be required by the applicable municipal authority.

*(Ord. 10/5/1999A, Art. IV, §406)*



**PART 5**

**GENERAL DESIGN STANDARDS**

**§22-501. Application.**

1. The following principles, standards and requirements will be applied by the Borough Council in their review and evaluation of all subdivision and land development plat applications.
2. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience and general welfare.
3. Where literal compliance with the standards and requirements contained herein is clearly impractical, the Borough Council may modify or waive such through the alteration of requirements process as set forth in Part 10 of this Chapter.
4. Subdivision and land development plans shall give due consideration to the Comprehensive Plan of the Borough and the Adams County Comprehensive Plan, or to such parts thereof as may be adopted pursuant to statute.
5. Proposed land uses shall conform to the Borough Zoning Ordinance [Chapter 27], as amended.
6. Land subject to hazards to life, health or property, such as may arise from fire, flood, disease, or other causes, shall not be platted for development purposes unless such hazards have been eliminated or unless the plat shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
7. **Handicapped Accessibility.** All required improvements shall be designed in conformance with the American with Disabilities Act Architectural Guidelines and constructed in accordance with the Guidelines and Design criteria contained in Penn DOT Publication 70, entitled, "Guidelines for Design of Local Roads and Streets," as amended.

*(Ord. 10/5/1999A, Art. V, §501)*

**§22-502. Streets.**

1. **General Standards.**

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- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by the Borough and shall be coordinated and consistent with existing or proposed streets in adjoining areas. Furthermore, proposed streets shall be properly related to County or State transportation plans as have been prepared and adopted as prescribed by law.
- B. Streets shall be laid out to preserve the integrity of their design and the character of the community. Local access streets shall be laid out to discourage their use by through traffic and collector and arterial streets shall be designed for use by through traffic.
- C. Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.
- D. Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplatted areas and the continuation of proposed streets to the boundaries of the tract being subdivided.
- E. Extensions of existing streets with lesser right-of-way and/or cartway widths than prescribed in this Chapter may be permitted; provided, that no section of new right-of-way less than 40 feet in width shall be permitted.
- F. New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained; a cul-de-sac shall be constructed at the end of such half street which shall be of a permanent nature, unless a temporary cul-de-sac is approved.
- G. Names of new streets shall not duplicate existing or platted street names or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," "avenue." In approving the names of streets, cognizance should be given to existing or platted street names within the postal delivery 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.
- H. Insofar as possible, streets on which structures utilizing solar access are proposed to front upon, shall be oriented along an east-west axis with maximum deviations permitted up to 25°; provided, that such orientations are feasible based on soil and slope conditions and are a practical means of providing safe and convenient access and circulation.
- I. Proposed private streets (streets not offered for dedication) are prohibited.

- J. Where the proposed subdivision or land development contains or is adjacent to an arterial or major collector highway, provision for a marginal access street may be required. Rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets and separation of local and through traffic may also be required.
- K. Where a new subdivision or land development abuts an existing street, the applicant shall provide any required dedication for widening the existing street to meet standards as set forth in §22-502(3), for purposes of accommodating utility services, runoff ponding, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance procedures and accidents and future roadway improvements. Where the cartway is widened by the installation of curbing or other required improvements, fill-in paving shall be required. For State routes, the plan shall show the existing legal limit of the State right-of-way and any additional right-of-way being dedicated to the Borough. The right-of-way to be dedicated shall be measured from the centerline of the existing street or State route.
- L. All subdivisions and land developments shall be required to install curbing on each side of the street in accordance with specifications as set forth in the curb and sidewalk construction specifications.
- M. All proposed subdivisions and land developments shall be required to install sidewalks on each side of the street in accordance with specifications as set forth in the curb and sidewalk construction specifications.
- N. Where a proposed subdivision or land development is provided access by a single street, the Borough Council may require a boulevard-type entrance which would consist of two streets having a width of no less than 20 feet each separated by an island having a width of 10 feet within a right-of-way of no less than 70 feet in width.
- O. Applicants for a subdivision or land development abutting a State route shall be responsible for obtaining approval of any proposed improvements, and for obtaining a Pennsylvania Department of Transportation highway occupancy permit for any proposed improvements.
- P. Prior to final plan approval, applicant shall certify that title to any street rights-of-way are unencumbered of any liens or other obligations and that no prior right-of-way has been granted.
- Q. Rights-of-way, as required herein, are based upon utility servicing needs, to accommodate runoff ponding, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance procedures and accidents and to accommodate future improvements.

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2. **Street Classification.** Three functional classifications of streets and roads, are established as follows: Where there is disagreement as to the classification of a street, the Borough Engineer shall have jurisdiction for the determination. The Borough and County Comprehensive Plan shall be consulted when determining street classification.
- A. **Arterial.** This classification includes highways which provide intracounty or intermunicipal traffic of substantial volumes.
  - B. **Collector.** This classification is intended to include those roads which connect minor streets to arterial highways and generally serve intracounty and intramunicipal traffic. This may serve as traffic corridors connecting residential areas with employment centers, shopping and other services. They may penetrate residential areas.
  - C. **Minor.** This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short.
3. **Street Width.**
- A. Minimum street right-of-way and cartway widths shall be as follows:

<b>STREET TYPE</b>	<b>RIGHT-OF-WAY</b>	<b>CARTWAY*</b>
Arterial Street	As determined by the Borough after consultation with the Pennsylvania Department of Transportation.	
Collector Streets		
Lot frontage < 60'	60 feet	36 feet
Lot frontage > 60'	54 feet	32 feet
Minor Streets		
Lot frontage < 60'	60 feet	36 feet
Lot frontage 60'-100'	54 feet	32 feet
Lot frontage 101'-150'	52 feet	32 feet
Lot frontage > 150'	50 feet	28 feet**

\*Curb to curb

\*\* Where shoulders are provided in lieu of curbs.

- B. Provision for additional street width and/or right-of-way may be required when determined to be necessary by the Borough Council in specific cases for public safety and convenience.

**4. Cul-de-Sac or Dead End Streets.**

- A. Deadend streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- B. Any deadend street for future access to an adjoining property or because of authorized phased development shall be provided with a temporary, all-weather turn-around within the subdivision or/and land development; and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- C. Cul-de-sac streets serving residential uses, permanently designed as such, shall not exceed 250 feet in length and shall not furnish access to more than ten dwelling units.
- D. Cul-de-Sac streets serving commercial and/or industrial uses shall be adequate for the type of use to be serviced as approved by the Borough Engineer but, in no case, shall exceed 250 feet in length.
- E. All permanent cul-de-sac streets shall be provided, at the closed end, with a fully paved turn-around.
- F. Unless further extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
  - (1) The minimum radius to the pavement edge or curb line shall be 40 feet, and the minimum radius of the right-of-way line shall be 50 feet.
- G. Drainage of cul-de-sac streets shall be provided in accordance with the Borough Stormwater Management Ordinance [Chapter 26, Part 1].
- H. The centerline grade on a cul-de-sac street shall not exceed 10% and the grade of the diameter of the turn-around shall not exceed 2%.

**6. Horizontal and Vertical Curves.**

- A. To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as follows:

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- (1) Minor Street: 200 feet
  - (2) Collector Street: 300 feet
  - (3) Arterial Street: 500 feet
- B. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and arterial streets.
- C. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- D. At all changes of street grades where the algebraic difference exceeds 1%, vertical curves shall be provided to permit the following minimum sight distances:
- (1) Minor Street: 200 feet
  - (2) Collector Street: 300 feet
  - (3) Arterial Street: As required by PennDOT design criteria for the posted speed.

### 7. **Intersections.**

- A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 75° or more than 105°.
- B. Intersections involving the junction of more than two streets are prohibited.
- C. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least 150 feet between center lines, measured along the centerline of the street being intersected.
- D. Intersections shall be approached on all sides by a leveling area within 100 feet of the intersection of the nearest right-of-way lines. The grade differential between the roadway cross slope and approaching street shall not exceed 4% in this area.
- E. Intersections with major streets, excluding State routes, shall be located not less than 800 feet apart, measured from centerline to centerline, along the centerline of the major street.
- F. At intersection of streets, the curb or edge of pavement radii shall not be less than the following:

<b>Intersection</b>	<b>Minimum Simple Curve Radii of Curb or Edge of Pavement</b>
Arterial Street	As required by PennDOT
Intersection	
Collector Street with Collec- tor Street	35'
Minor Street with Collector Street	20'
Minor Street with Minor Street	15'

Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with or parallel to the chord of the curb radius corners.

**8. Intersection Sight Distance and Clear Sight Triangles.**

- A. Safe sight distances shall be provided at all intersections. Standards for design shall comply with ASSHTO and PennDOT, whichever shall be most applicable as determined by the Borough Engineer.
- B. Clear sight triangles shall be provided at all intersections. Measured along the centerline of the street from the point of intersection there shall be a clear sight triangle with side lengths as follows:

<b>Type of Street</b>	<b>Minimum Side Lengths</b>
Arterial	150'
Collector	100'
Local	100'

**9. Street Grades.**

- A. The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

<b>Type of Street</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>
Arterial Streets	As determined by the governing body after consulting with the Pennsylvania Department of Transportation	

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Type of Street	Minimum Grade	Maximum Grade
Collector Streets	1.00	8%
Minor Streets	.75	10%
Street Intersection	.75	(4%)

- B. Where approved by Council, on minor streets and service drives, grades greater than 10% shall not be more than 200 feet in length, or as recommended for approval by the Borough Engineer. In any case, slope shall not exceed 15%.
10. **Slopes of Banks Along Streets.** The slope of any banks along streets measured perpendicular to the street centerline shall be no steeper than the following:
- A. One foot of vertical measurement for 3 feet of horizontal measurement for fills.
  - B. One foot of vertical measurement for 2 feet of horizontal measurement for cuts.
  - C. The full right-of-way shall be graded not to exceed a 2% percent slope. The top or toe of slope shall be at the dedicated right-of-way line.
11. **Access Drives and Driveways.**
- A. Direct access from residential lots to an arterial street shall be avoided whenever possible. Where such direct access cannot be avoided, adequate turn-around space shall be provided behind the right-of-way line.
  - B. A valid highway occupancy permit shall be obtained from the Pennsylvania Department of Transportation for all access drives and driveways connecting to a State route.
  - C. Driveways serving single family residences shall intersect streets at angles of no less than 60°. All other driveways or access drives shall intersect streets at right angles, where possible, and in no instance shall such intersection be less than 75°.
  - D. The width of an access drive or driveway shall be in accordance with the following standards:
    - (1) For multifamily residential developments, cumulatively exceeding four dwellings units, mobile home parks, and all nonresidential developments or subdivisions, access drives shall be no less than 20 feet in width at the street line and shall clearly be defined by the use of curbing.

- (2) For all other residential subdivisions/land developments, driveways shall be no less than 10 feet in width and no greater than 20 feet in width at the street line.
- E. In order to provide for safe and convenient ingress and egress points, access drives and driveway entrances shall be rounded at the following minimum radius: [*Ord. 6-2001*]
  - (1) For multifamily residential developments cumulatively exceeding four dwelling units, mobile home parks and all nonresidential developments or subdivisions, access drive entrances shall be rounded at minimum radius of 10 feet.
  - (2) For all other residential subdivisions/land developments, driveway entrances shall be rounded at a minimum radius of 5 feet.
- F. The grades on access drives or driveways shall not exceed the following:
  - (1) 8% when access is to an arterial street.
  - (2) 10% when access is to a collector or minor street.
  - (3) Where a drive enters a bank through a cut, the shoulders of the cut may not exceed a 50% slope within 50 feet of the street right-of-way.
- G. Private residential driveways and multifamily/nonresidential access drives on corner lots shall be located at least 35 feet from the point of intersection of the nearest street right-of-way lines.
- H. In order to provide a safe and convenient means of access grades on private driveways and access drive shall be so designed to allow for the unimpeded flow of stormwater runoff. A driveway shall be paved within the dedicated right-of-way area with the remaining portion being stabilized to its full width to prevent erosion.
- I. All driveways and access drives shall be located, designed and constructed in such a manner so as not to interfere or be inconsistent with the design and maintenance and drainage of, or the safe and convenient passage of traffic and so motorists are not required to back onto the public street.
- J. Driveways or access drives shall be located no closer than 10 feet from a fire hydrant or storm drainage inlet.
- K. Proposed access drive for purposes of providing a means of secondary access to a lot, are permitted only where deemed appropriate by the Borough Council and Borough Engineer.

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- L. All driveways shall have a minimum safe sight distance in accordance with Chapter 441 of PennDOT's Rules and Regulations. Where applicable, plans shall provide substantial information so compliance may be determined.
- M. All design standards of the Pennsylvania Department of Transportation as may be amended, are hereby incorporated into this Chapter.

(*Ord. 10/5/1999A*, Art. V, §502; as amended by *Ord. 6-2001*, 9/4/2001, Art. V)

### **§22-503. Easements.**

1. Easements shall be provided for drainage facilities overhead or underground public and private utility facilities in consultation with the Borough Engineer, the electric, telephone and water utilities, the Pennsylvania Department of Transportation and the Municipal Authority.
  - A. The minimum width of such easements shall be 20 feet for drainage facilities and underground utilities, 10 feet for overhead utilities. Additional width may be required by the Borough depending on the purpose and use of the easements.
  - B. Wherever possible such easements shall be centered on the side or rear lot lines or along the front lot lines.
2. Where a subdivision and/or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement, width to be determined by the Borough Engineer, conforming substantially with the line of such watercourse, drainage way, 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 sewer. Under no circumstances shall the easement be less than 25 feet. Access easements shall also be required.
3. Where a subdivision or land development involve the use of solar access, solar skyspace easements will be provided, shall be in writing, and shall be subject to the same conveyancing and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar skyspace easement shall include, but not be limited to:
  - A. A permanently identifiable description of the skyspace above the burdened land into which trees, buildings and/or other obstructions as specified by the easement shall not be permitted to encroach.

- B. Any terms or conditions under which the solar skyspace easement is granted or will be terminated.
  - C. Any provision for compensation by the owner of the land benefitting from the solar skyspace easement or compensation of the owner of the land burdened by the solar skyspace easement for maintaining the easement.
4. Where necessary for access to public or common lands, a pedestrian easement shall be provided with a width of no less than 10 feet additional width may be required by the Borough Council depending on the purpose and use of the easement.

*(Ord. 10/5/1999A, Art. V, §503)*

**§22-504. Blocks.**

- 1. The length, width, shape and design of new blocks shall be consistent with existing blocks located throughout the Borough.
- 2. Crosswalks shall be required where determined to be necessary to facilitate pedestrian circulation.

*(Ord. 10/5/1999A, Art. V, §504)*

**§22-505. Lots.**

**1. General Standards.**

- A. The size, depth, width and orientation of lots shall conform to applicable zoning regulations of the Borough.
- B. Where feasible, lot lines should follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- C. If, after subdividing, there exist remnants of land, they shall be incorporated in existing or proposed lots or dedicated to public use if approved by the Borough.

2. **Lot Frontage.** All lots shall abut an existing or proposed public street or alley. The street shall or be made to conform to the requirements of this Chapter.

3. **Building Setbacks.** Front, side, and rear setbacks shall be in conformance with the Borough Zoning Ordinance, as amended [Chapter 27].

*(Ord. 10/5/1999A, Art. V, §505)*

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### **§22-506. Erosion and Sedimentation Control.**

#### **1. General Requirements and Standards.**

- A. In the event that any person shall intend to make changes in the contour of any land or engage in earth moving activity, whether for subdivision, land development or any purpose, such person, who is required to obtain a permit, shall obtain such a permit from the Pennsylvania Department of Environmental Protection in accordance with the requirements of the "Rules and Regulations," Chapter 102, Erosion Control, authorized under P.L. 1987, June 22, 1937.
- B. Furthermore, under the requirements noted above, the Borough shall notify the Department immediately upon receipt of an application for a building permit involving earth moving activity which affects 5 acres or more of land.
- C. The Borough shall not issue a building permit to those engaged in earth moving activities requiring a Department of Environmental Protection permit, until the Department has issued the permit.
- D. An erosion and sedimentation control plan must be prepared for a single or lot or more where subdivision, land development or other earth moving activity is proposed. The plan must be submitted:
  - (1) As required by the rules and regulations of the Department of Environmental Protection noted above.
  - (2) As required by the Pennsylvania Clean Streams Law, Act 22, July 1970, as amended.
- E. Such erosion and sedimentation control plan shall be submitted to the Borough Engineer and Adams County Conservation District for review, and a copy of the Plan and review comments shall be submitted to the Borough as part of the preliminary and final plat applications.
- F. In the preparation of erosion and sedimentation control plans the person preparing such plans shall consult with the Adams County Conservation District to determine the measures needed to control erosion and sedimentation.
- G. Design standards for erosion control plans shall be in accordance with the requirements of the Adams County Conservation District, Pennsylvania DEP and as supplemented by the Borough Engineer.

*(Ord. 10/5/1999A, Art. V, §506)*

**§22-507. Drainage and Stormwater Management.**

Drainage and stormwater management shall be done in accordance with the provisions set forth in the Borough's Stormwater Management Ordinance [Chapter 26, Part 1].

*(Ord. 10/5/1999A, Art. V, §507)*

**§22-508. Natural Features Preservation.**

The design and development of all subdivision and land development plans shall preserve, whenever possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of the residents of the Borough. These natural features include; the natural terrain of the site, wooded areas, large trees, natural watercourses and bodies of water and wetlands.

**A. Tree Preservation and Planting.**

- (1) When deemed necessary by the Borough, a landscape plan will be developed for a subdivision or land development. Such plan shall indicate the vegetation or plant cover which exists and, on the same or separate sheet, the vegetation or plant cover which will exist when landscaping is completed. In addition, landscaping shall be designed, installed, and maintained with the aim of allowing as great a portion of the site to remain or become wooded without adversely affecting the availability of solar access to the south.
- (2) The location and species of trees and other landscaping elements shall be such that when grown to full maturity shall not impede solar access to neighboring structures.

**B. Stream Frontage Preservation.**

- (1) A maintenance easement for the Borough or its designee, with a minimum width of 25 feet, shall be provided along all stream banks. Such easement, in all cases, shall be of sufficient width to provide proper maintenance.
- (2) Stream frontage shall be preserved as open space whenever possible.
- (3) Access shall be provided to the water and maintenance easement area. The width of such points shall not be less than 20 feet.

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### C. **Topography.**

- (1) The existing natural terrain of the proposed subdivision tract shall be retained whenever possible. Cut and fill operations shall be kept to a minimum.

*(Ord. 10/5/1999A, Art. V, §508)*

### **§22-509. Design Standards in Floodplains.**

1. The floodplain corridor shall be defined and established as the area of inundation which functions as a storage or holding area for flood water to a width required for a 100 year flood, as delineated in one of the following reports:
  - A. FEMA Flood Insurance Rate Maps.
  - B. A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.
  - C. A hydrologic report prepared by an agency of the U.S. Government.
2. In case of any dispute concerning the boundaries of a floodplain corridor, the Borough shall determine the ultimate location.
3. Whenever a floodplain corridor is located within or along a proposed land development, the plan shall include the location of the floodplain corridor with a plan note that:
  - A. The floodway shall be kept free of structures, fill, and other encroachments.
4. In the event construction is to take place in the floodway fringe area, the following shall apply:
  - A. Any structures located within the floodway fringe shall be flood-proofed to the limits of the floodplain corridor.
  - B. The lowest floor (including basements) in any residential building or structure shall be constructed at an elevation greater than the established regulatory flood elevation; and in any nonresidential building or structure elevated the same or floodproofed up to that height.
  - C. Fill material shall extend laterally at least 15 feet from the building line from all points and shall not be steeper than 1 vertical foot to 2 horizontal feet.

5. No building is allowed in the floodplain without approval from the Biglerville Borough Council in accordance with the applicable Floodproofing and Drainage regulations. [*Ord. 6-2001*]
6. All floodplain lands shall be excluded in the minimum lot area calculations. Additionally, the floodplain and/or floodway area shall be identified by elevation or by approximate distance from the centerline of the stream channel. Distances and bearings need not identify floodplain and floodway lines.
7. No subdivision and/or land developments or part thereof, shall be approved if the proposed development and/or improvements will individually or collectively, increase the 100 year flood elevation more than 1 foot at any point.
8. If the Borough determines that only a part of a proposed subdivision can be safely developed, the Borough shall limit development to that part and shall require that development proceed consistent with this determination.

(*Ord. 10/5/1999A*, Art. V, §508; as amended by *Ord. 6-2001*, 9/4/2001, Art. V)



**PART 6**

**IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS**

**§22-601. Improvements Required.**

The applicant shall provide all improvements required by these regulations. The specifications for the improvements contained herein shall apply.

*(Ord. 10/5/1999A, Art. VI, §601)*

**§22-602. Monuments and Markers.**

**1. Monuments.**

A. Monuments shall be set at the following locations:

- (1) The intersection of all street right-of-way lines;
- (2) The intersections of lines forming angles in the boundaries of the subdivision or land development;
- (3) Such intermediate points as may be required by the Borough Engineer/Consultant.

B. No less than one monument shall be placed per two lots.

**2. Markers must be set:**

- A. At all corners except those monumented.
- B. At angles in property lines.

**3. Monuments and markers shall be the following sizes and made of the following materials:**

- A. Monuments shall be 6 inches square or 4 inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting a 4 inch cast iron or steel pipe filled with concrete.
- B. Markers shall be  $\frac{3}{4}$  of an inch square or  $\frac{3}{4}$  of an inch in diameter and 30 inches long. Markers shall be made of iron pipes or iron or steel bars.

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4. Monuments and markers must be placed by a registered engineer or surveyor 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.
5. **Removal.** Any monuments or markers that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.
6. Monuments and markers must be placed prior to final plan approval unless financially guaranteed building permits will not be issued until such time that monuments and markers have been installed and verified.

*(Ord. 10/5/1999A, Art. VI, §602)*

### **§22-603. Street Construction Standards.**

1. All street construction materials and methods shall be in accordance with Pennsylvania Department of Transportation Specifications Publication 408, as amended. In addition, all streets shall be constructed in accordance with any additional standards required by the Borough Engineer, when in the opinion of the Engineer conditions such as traffic volume, or expected weight of proposed traffic justify alternate specifications.
2. **Minor Streets and Collector Streets.**
  - A. **Subgrade.**
    - (1) Remove topsoil, organic or otherwise unstable material. Material and compaction used for fill shall be specified on the plan and shall be subject to approval of the Borough Engineer. Any fill shall be constructed in accordance with PennDOT Publication 408.
    - (2) Fine grade and roll subgrade with Borough approved rolling equipment.
    - (3) Following compaction the surface tolerance shall be checked. Irregularities of more than .05 feet shall be corrected to the satisfaction of the Borough Engineer.
    - (4) Where conditions dictate, and as recommended by the Borough Engineer, a geo-fabric shall be installed on top of finished subgrade. Geo-fabric materials and installation shall be as recommended by the Borough Engineer.
    - (5) Any springy or spongy areas shall be provided with a proper underdrain system, which is connected to the storm sewer system.

- (6) Subgrade that has been disturbed by trenching shall be backfilled and compacted in 8 inch layers and inspected by the Borough Engineer or his designated agent.
- (8) The Borough Engineer or his designated agent prior to the placement of the sub-base course shall inspect subgrade. This may include appropriate compaction testing where deemed to be necessary by the Engineer.

**B. Sub-Base Course.**

- (1) Sub-base course shall consist of a minimum of 6 inches of PA 2A coarse aggregate. Depth shall be measured in place after compaction. Coarse aggregate shall be in accordance with PennDOT Publication 408 as most recently amended and shall be supplied from a certified PennDOT supplier. Compaction shall be with Borough approved equipment.
- (2) Sub-base course shall be tested by digging one test hole for each 3,000 square yards or as directed by the Borough Engineer.

**C. Base Course.**

- (1) Base course shall consist of a minimum of 5 inch of bituminous concrete base course (BCBC). Depth shall be measured in place after compaction. BCBC shall be in accordance with PennDOT Publication 408 as most recently amended and shall be supplied by a PennDOT certified supplier.
- (2) Base course shall be tested by drilling three 6 inch test cores per 1,000 square yards of pavement or as directed by the Borough Engineer. Pavement more than ½ inch deficient shall be repaired to the satisfaction of the Borough.

**D. Pavement Surface Course.**

- (1) When required by the Borough to protect the pavement course from potential excessive damage, the wearing course shall only be applied following improvement of 80% of the lots which the street will service or as otherwise determined by the Borough Engineer. In this case, the Borough may require an alternate type of binder course to be used.
- (2) Pavement wearing course shall consist of 1½ inches of PA type ID2 wearing. Thickness shall be measured in place after compaction. ID2 wearing course shall be in accordance with PennDOT Publication 408 as most recently amended and shall be supplied by a PennDOT certified supplier.

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- (3) Surface course shall be sealed wherever it comes in contact with another structure (i.e., curb, manhole, inlet, etc.) This work shall be done in accordance with the specifications set forth in PennDOT Publication 408 as most recently amended.
- (4) Compaction shall be with Borough approved rolling equipment.
- (5) **Quality Control.**
  - (a) Remedy irregularities in the base course prior to placement of wearing surface. Base course surface must be cleaned and tack coated prior to placement of wearing surface.
  - (b) As directed by the Borough Engineer, drill three 6 inch test cores per 1,000 square yards of pavement. Pavement more than ¼ inch deficient shall be repaired to the satisfaction of the Borough Engineer.
  - (c) Alternate pavement types and depths will be considered pending review and approval of the Borough Engineer. The minimum alternate standards shall be as follows:
    - 1) Sub-base Course: 8 inch PennDOT 2A course aggregate.
    - 2) Binder Course: 3 inch PennDOT ID2 binder.
    - 3) Wearing Course: 1½ inch PennDOT ID2 wearing.
- (6) **Arterial Streets.** The depth and type of materials shall be as recommended by the Borough following consultation with Pennsylvania Department of Transportation.
- (7) The Borough shall inspect roadway construction to determine compliance with standards of the Chapter and conformance to approved plans. At a minimum each course shall be approved prior to placement of each successive course.
- (8) The Borough shall reserve the right to require additional depth of materials or to deviate from type of material specified where, in the opinion of the Borough Engineer; it is necessary to withstand projected traffic loads or adverse environmental conditions.
- (9) The Borough may, when deemed necessary by the Borough Engineer, require the installation of subsurface drainage systems, which may consist of subgrade and/or subbase drains. Construction standards shall

be in accordance with PennDOT Publication 408 and roadway construction standards. This requirement may occur as a result of field inspections or compaction testing during construction.

**E. Driveway and Access Drive Entrances.**

- (1) Driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width. In no case shall the driveway or access drive entrance be more than 2 feet wider than the driveway or access drive. In areas where concrete sidewalks are to be provided the type of entrance surface shall be plain cement concrete, minimum depth of 4 inches provided to the curb and/or cartway of the right-of-way.
  - (a) Driveway and access drive entrances along streets where curbs are not required, shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales or ditches. Such continuation may be provided by having an approved pipe of not less than 15 inches in diameter across such entrances.
  - (b) Driveway and access drive entrances along streets, where curbs are not required, shall be constructed so that the driveway or access drive meets the edge of the cartway as a continuation of at least the slope from the crown of the street for not less than 5 feet.
  - (c) Where proposed driveways or access drives provide access onto a State highway (Pennsylvania route or United States route) the design of such driveway or access drive and drainage shall be prepared in accordance with the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department. A note shall be placed on the plan, stating that "A highway occupancy permit is required pursuant to §420 of the State Highway Law before driveway access to a State highway is permitted." The Borough Council may issue a final plat approval if a permit has been secured, or the notice of requirement for such a permit is placed on the plan. No building permit will be issued for affected lots until such a highway occupancy permit has been secured.
  - (d) The curb height at driveway and access drive entrances may be depressed to a minimum of 1½ inches for driveway and access drive entrances along streets where curbs are required or as required in the Borough's curb and sidewalk specifications. The maximum width of depressed curb height shall be 20 feet for residential, with the exception of multifamily residential, drive

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ways and 35 feet for multifamily and nonresidential access drives. Sidewalks across driveway and access drive entrances, where required, shall be constructed in accordance with the requirements in §22-606 herein.

### F. **Underdrains.**

- (1) Underdrain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC Standards).
- (2) Combination storm sewer and underdrain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC Standards).
- (3) Underdrains or combination storm sewer and underdrain shall be constructed where required by the Borough Engineer or the Borough Council.
- (4) Underdrain shall be installed and inspected by the Borough Engineer or his designated agent after completion of all work just prior to the base course application.

*(Ord. 10/5/1999A, Art. VI, §603)*

### **§22-604. Sanitary Sewer and Water Systems.**

#### 1. **Sanitary Sewers.**

- A. The developer shall provide the subdivision or land development with a complete sanitary sewerage system to be connected to the Borough sanitary sewerage system in accordance with Borough Authority and Borough Council specifications. The system shall be designed by a registered engineer and approved by the Borough Engineer.
- B. Sanitary sewers and sewage disposal systems shall not be combined with storm water sewers and shall not be constructed to receive effluent from any storm water collection system.

**2. Water.**

- A. The developer shall provide the subdivision or land development with a complete water main supply system to be connected to the municipal water system in accordance with Borough and/or Authority specifications.

*(Ord. 10/5/1999A, Art. VI, §604)*

**§22-605. Curbs.**

Where required, curbs shall be designed and installed in accordance with the Borough's curb and sidewalk construction specifications. All curbs shall be constructed to the grades and dimensions drawn on the plans, and typical sections submitted by the applicant and approved by the Borough Council.

*(Ord. 10/5/1999A, Art. VI, §605)*

**§22-606. Sidewalks.**

Where required, sidewalks shall be designed and installed in accordance with the curb and sidewalk construction specifications. All sidewalks shall be constructed to the grades and dimensions drawn on the plans, and typical sections submitted by the applicant and approved by the Borough Council.

*(Ord. 10/5/1999A, Art. VI, §606)*

**§22-607. Fire Protection.**

Fire hydrants or other means of fire protection as approved by the Borough shall be provided as an integral part of any public or private community water supply system or as a part of any water system to serve an industrial use. The water system shall be of adequate supply and shall be designed to provide pressure adequate for the use of fire hydrants or other approved fire protection systems. Water supply shall be adequate for fire flow demands. The developer shall be required to prepare and submit all necessary engineering studies to ensure that adequate water pressure and volume will be available.

- A. Fire hydrants shall be installed in accordance with the requirements of the local fire authority. The applicant shall submit proof that the couplings on said hydrants are of a design which is compatible with local fire equipment. Fire hydrants shall conform to the standards of the Borough Municipal Authority and the National Fire Protection Association.
- B. Fire hydrants shall be placed at intervals of not more than 600 feet and in locations acceptable to the Borough and local fire authority.

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- C. Where deemed necessary, the Borough may require submittal of design information for fire protection systems for review and approval. Standards for fire protection systems shall be as specified by the Borough.
- D. The developer shall obtain written concurrence of the fire protection system from the local fire authority having jurisdiction over the area.

*(Ord. 10/5/1999A, Art. VI, §607)*

### **§22-608. Street Signs.**

The subdivision or land developments shall be provided with street signs to include but not be limited to, street name signs at all intersections, traffic control, directional and informational signs. Such signs shall conform to Pennsylvania Department of Transportation and Borough specifications and shall be installed by the developer in a manner specified by the Borough Engineer.

*(Ord. 10/5/1999A, Art. VI, §608)*

### **§22-609. Street Lights.**

1. Where electric service is supplied by underground methods, the developer shall provide and install the facilities for a street lighting system consisting of cables, ducts, and light standards. Such system will comply with the specifications of the appropriate public utility and be approved by the Borough so that upon dedication of the improvements, the Borough can enter into a street lighting contract with said public utility. Complete plan and specifications shall be provided prior to approval of the subdivision plan.
2. Spacing of lights shall be such that there is a light at one corner of each intersection. Interior spacing shall be such that individual lights are no more than 200 feet apart.
3. Each light shall be controlled by an electric photocell to operate continuously from dusk to dawn. They shall be shielded or erected as to not illuminate the interior of adjacent structures. Where the type of development does not warrant the installation of a municipally operated system, as determined by the Borough. Each lot shall be provided with dusk to dawn lighting to be owned and operated by the developer or lot owner. This type of lighting shall be as approved by the Borough Engineer.

*(Ord. 10/5/1999A, Art. VI, §609)*

**§22-610. Electric and Telephone Line.**

All electric and telephone service lines, including street lighting, shall be placed underground within any subdivision or land development.

*(Ord. 10/5/1999A, Art. VI, §610)*



**PART 7**

**FEES**

**§22-701. Preliminary Plan.**

At the time of filing, the preliminary plan shall be accompanied by a check, payable to the Borough, in an amount equal to the fee required for consideration of preliminary plans set forth in the fee schedule currently in force in the Borough. In addition, costs for engineering and legal fees incurred in the consideration of the plan, shall be paid by the applicant.

*(Ord. 10/5/1999A, Art. VII, §701)*

**§22-702. Fee Schedule.**

At the time of filing, the final plan shall be accompanied by a check, payable to the Borough, in the amount equal to the fee schedule currently in force in the Borough. In addition, costs for engineering and legal fees incurred in the consideration of the plan, shall be paid by the applicant.

*(Ord. 10/5/1999A, Art. VII, §702)*

**§22-703. Professional Consultant Fees.**

1. The landowner or developer shall pay to the use of the Borough, and upon invoice rendered by the Borough, the actual cost of all reasonable and necessary fees incurred by the Borough for the review and report thereon to the Borough of all subdivision and/or land development plans by the Borough Engineer, consultants, Borough Solicitor and such other professional as are engaged by the Borough to review and evaluate subdivision and/or land development plans. The need for such professionals, and the selection thereof, shall be determined solely by the Borough Council.
2. Review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or consultants to the Borough when fees are not reimbursed or otherwise imposed on applicants.
3. The Borough may require that the developer pay a deposit to cover the cost engineering and legal review of the plan. If following approval of the plan and satisfaction of any agreements, any portion of such deposit which is unused shall be

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returned to the developer. If the amount of the deposit is insufficient to cover the cost of such engineering and legal review, the developer may be required to submit additional funds or to reimburse the Borough the additional costs for review of the plan.

- A. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 working days of the billing date, notify the Borough that such fees are disputed, in which case the borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- B. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for dispute resolution as outlined in the Municipalities Planning Code as most recently amended.

### 4. **Material Tests.**

- A. The landowner or developer shall pay to the use of the Borough and upon invoice rendered by the Borough, the cost of performing all material test determined by the Borough Council to be necessary or desirable in connection with the inspection or approval of all subdivision and/or land development plans or improvements.

### 5. **Inspection Fees.**

- A. The developer or applicant shall, as part of the land development agreement, submit to the Borough an amount as estimated by the Borough Engineer, a fee to be placed in an escrow account to cover the cost of inspection of construction to certify that subdivisions and land developments are constructed in accordance with the approved plans. This shall include any necessary inspection services to process reduction in improvement bonds or surety.

### 6. **Other Fees.**

- A. The landowner or developer shall pay the Borough for all fees incurred by the Borough in the preparation and review of the Subdivision and Land Development Agreement, Improvement and Maintenance Bonds, Escrow Agreements and other instrument deemed necessary or desirable by the Borough Council in connection with subdivisions or land developments.

*(Ord. 10/5/1999A, Art. VII, §703)*

**PART 8**

**WAIVERS AND MODIFICATIONS**

**§22-801. Modifications.**

The Borough Council may grant a modification of the requirements of one or more of the provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question; provided, that such modification will not be contrary to the public interest and that the purpose and intent of the Chapter is observed.

- A. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Section involved, and the minimum modification necessary.
- B. The request for modification may be referred to the Planning Committee for advisory comments.
- C. The Borough Council shall keep a written record of all action on all requests for modifications.
- D. No modification shall be granted solely upon proof that the applicant's land would increase in value or that the applicant could use the land more profitably upon grant of the modification.

*(Ord. 10/5/1999A, Art. VIII, §801)*

**§22-802. Procedure.**

- 1. Any request for a waiver or modification shall be in writing and shall accompany and be a part of the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision(s) of this Chapter involved, and the exact waiver or modification there from which is requested.
- 2. All proposals for waiver or modification from the provisions of this Chapter shall be reviewed and a recommendation made by the Borough Planning Committee, whether requested by the developer or deemed necessary by the Borough Council.

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3. A record of the action on all waiver or modification from the provisions of this Chapter shall appear in the official minutes of the Borough Council.

*(Ord. 10/5/1999A, Art. VII, §802)*

**PART 9**

**ADMINISTRATION, ENFORCEMENT AND PENALTIES**

**§22-901. Administration.**

1. The Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this Chapter, as specified or implied herein.
2. Officials of the Borough having regulatory duties and authorities connected with or pertinent to, the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this Chapter, as specified or implied herein or in other ordinances of the Borough.
3. Permits required by the Borough for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land shall not be issued by the Borough official until it has been ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this Chapter.
4. Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded final plan or other land description acceptable in accordance with the provisions of this Chapter, and that it is in compliance with all applicable provisions of this Chapter.
5. The Borough building permit officer shall require that application for building permits contain all the information necessary to ascertain that, and shall not issue any building permit until it is determined that the site and plan for the proposed building, alteration or other improvement is acceptable in accordance with the provisions of this Chapter.
7. The Borough Sewage Enforcement Officer shall require that applications for on-site sewage disposal system permits contain all the information necessary for him to ascertain that, and he shall not issue any sewage disposal system permit until he determines that the site for the proposed system is acceptable in accordance with the provisions of this Chapter.
8. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of any ordinance adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - A. The owner of record at the time of such violation.

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- B. The vendee or lessee or 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.
  - C. 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.
  - D. 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.
8. As an additional condition for issuance of a permit of the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

*(Ord. 10/5/1999A, Art. IX, §901)*

### **§22-902. Preventive Remedies.**

- 1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- 2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or development any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - A. The owner of record of such violation.
  - B. 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.
  - C. 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.

- D. 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.
- 3. As an additional condition for issuance of a permit or the granting of approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(*Ord. 10/5/1999A*, Art. IX; as amended by *Ord. 6-2003*, 9/2/2003, §1)

**§22-903. Enforcement Remedies.**

- 1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed 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.
- 2. 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.
- 3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
- 4. District justices shall have jurisdiction in proceedings brought under this Section.

(*Ord. 10/5/1999A*, Art. IX; as amended by *Ord. 6-2003*, 9/2/2003, §1)



**PART 10**

**MOBILE HOMES AND MOBILE HOME PARKS**

**§22-1001. Definitions.**

**COMMON OPEN SPACE** - land within a mobile home park, not including streets, off-street parking areas, private yard space and areas set aside for public facilities, which shall be designed and set aside for the use of all residents of the mobile home park. This area shall be identified by separate parcel(s).

**INTERNAL STREET** - a street in a mobile home park privately owned, constructed and maintained, which functions only to provide direct access to individual mobile home lots.

**LICENSE** - written annual approval, in whatever form, as issued by the Borough, authorizing a person to operate and maintain a mobile home park.

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

**MOBILE HOME LOT** - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

**MOBILE HOME STAND** - the part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**PERSON** - any individual, firm, trust partnership, public or private association or corporation or other entity.

**RECREATIONAL VEHICLE** - a vehicle which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a "travel trailer" or a "camping trailer."

**SERVICE or RECREATIONAL BUILDING** - a structure housing operational office, recreational, park maintenance and other facilities built to conform to required local standards.

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**SEWER CONNECTION** - the sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

**SEWER RISER PIPE** - the sewer riser pipe is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

**TRAVEL TRAILER** - denotes a trailer that does not have a flush toilet or bath and shower enclosed within. Travel trailers shall not be allowed to be placed in mobile home parks as a means of residence.

**USABLE SITE AREA** - the usable site area is that portion of a mobile home park which is free of water surfaces, floodplains, severe high water table areas, quarries and slopes over 20% and including structures or obstructions unrelated to the mobile home park usage.

**WATER CONNECTION** - the water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

**WATER RISER PIPE** - the water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation and terminates at the designated point on each mobile home lot.

**WATER SERVICE PIPE** - the water service piping consists of all pipes, fittings, valves and appurtenances from the water main of the park distributing system to the water outlet of the distributing system within the mobile home.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1001)*

### **§22-1002. Permits for Mobile Home(s) and Mobile Home Park Construction, Alteration or Extension.**

#### **1. Approval Required.**

- A. It shall be unlawful for any person to construct, alter, extend or operate any mobile home park within the limits of Biglerville Borough unless a valid permit and/or license issued by Biglerville Borough is obtained.
- B. Design and improvements standards shall be consistent with this Chapter. In the event that there is a conflict, the more stringent shall apply.

#### **2. Application for Mobile Home Permits/ Mobile Home Park Licenses.**

- A. **Application to Biglerville Borough.** The applicant shall submit an application to Biglerville Borough for a permit to place a mobile home or to operate a mobile home park in Biglerville Borough.
- B. **Mobile Home Permit.** The following procedures shall apply solely for the proposed placement of a mobile home on a single parcel (separately deeded) or within a mobile home park.
  - (1) Any person desiring to locate a mobile home shall submit an application for a mobile home permit to Biglerville Borough.
  - (2) The Borough shall review the application for compliance with this Part and other applicable ordinances of the Borough. The Borough may request the assistance of the Borough Zoning Officer, Engineer, Solicitor and other Borough officials in order to determine approval, conditional approval or disapproval of the application. The Borough shall, within 45 days from the receipt of an application, issue a permit or disapprove the application and transmit the decision in writing to the applicant. A notice of disapproval shall cite the reasons for disapproval.
  - (3) The mobile home permit is not assignable and terminates within 1 year from the date of issuance, unless the mobile home is installed as prescribed in this Part.
- C. **Mobile Home Park License.** The following procedures shall apply to all new and expansions of existing mobile home parks.
  - (1) **Design Plan Approval.** Any person desiring to establish a new mobile home park or expand an existing mobile home park shall secure approval under this Chapter prior to applying for a mobile home park license. The Borough shall reserve the right to require financial security to guarantee installation of improvements in accordance with this Chapter.
  - (2) **Application Requirements.** All requests for a mobile home park license shall include the following:
    - (a) An application for a mobile home park license.
    - (b) Identification of the Adams County Recorder of Deeds reference numbers for the approved land development plan.
    - (c) A filing fee as set by resolution of the Borough.

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- (d) Copies of the following permits where applicable: erosion control permit, highway occupancy permit, water supply permit, wastewater permit(s) and any other local, State or Federal permits.

### (3) **Review Procedures.**

- (a) The Borough shall review the application for compliance with this Part and other applicable ordinances of the Borough. The Borough may solicit the assistance of the Borough Zoning Officer, Engineer, Solicitor and other Borough officials in order to determine approval, conditional approval or disapproval of the application.
- (b) The Borough shall, within 60 days from the receipt of an application, issue a permit or disapprove the application and transmit the decision in writing to the applicant. A notice of disapproval shall cite the reasons for disapproval. A mobile home park permit shall not be assignable and shall terminate 2 years following its issuance unless the Borough approves an extension. The permit shall authorize construction of the mobile home park.
- (c) Prior to issuance of a mobile home park license, the Borough shall inspect finished construction of all improvements to ensure compliance with the approved plans. The cost for review and inspection shall be paid by the applicant in accordance with the requirements of Part 7 of this Chapter and shall be paid prior to issuance of a license. Following satisfactory inspection of improvements and payment of all license review and inspection fees, a mobile home park license will be issued. The license will be issued within 45 days following certification of improvements by the Borough Engineer. The Borough, following recommendations of the Borough Engineer, shall reserve the right to require that an as-built plan be submitted in accordance with the requirements of this Chapter. The mobile home park license shall be valid for a period of 1 year and shall be renewed on an annual basis.

### D. **Renewal Licenses.**

- (1) Application for renewal of a mobile home park license including the appropriate renewal fee shall be made to the Borough at least 60 days prior to the expiration date of the license. Renewal of a mobile home park license shall be issued by the Borough upon certification by the owner that the park continues to meet the standards and requirements hereunder for the issuance of an original license.

- (2) It shall be unlawful for any person to operate a mobile home park without a valid license, renewed annually by the Borough in the name(s) of the landowner and manager.
  - (3) Prior to annual renewal of any mobile home park license, there shall be an inspection by the Borough. If it is determined there are deficiencies or that the mobile home park does not comply to the Borough's ordinances, the Borough shall reserve the right to require that improvements be made to bring the mobile home park into compliance and to establish reasonable time limits for those improvements.
  - (4) The Borough shall reserve the right to deny renewal of license if there is not compliance.
  - (5) Individual lots in a mobile home park shall be sold separately. Any sale of lots in a mobile home park shall be for the park as a whole.
- E. **Transfer of Ownership.** Any transfer of ownership, interest or control of the mobile home park, including the merger, sale of shares of capital stock, sale of capital, shares of stock or otherwise, shall invalidate the license. The licensee shall give notice in writing to the Borough within 24 hours or on the next business day after a change in land ownership. Such notice shall include the name and address of the person succeeding ownership.
- F. **Suspension.** Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Part or of any regulations adopted pursuant thereto, the Borough Council shall give written notice to the person whom the certificate of registration and license were issued advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Borough shall be suspended. At the end of such period, such mobile home park shall be inspected and, if such conditions or practices have not been corrected and the licensee has not requested a hearing, the Borough Council shall suspend the license and give notice in writing of such suspension to the person to whom the certificate and/or license was issued. Any person, partnership or corporation who is in violation of any provisions of this Part shall be subject to the penalties stated in §22-902.

(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1002)

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### **§22-1003. Compliance of Existing Mobile Home Parks.**

1. Mobile home parks in existence at the date of adoption of this Part and being duly authorized to operate as same by the Borough be continued so long as they otherwise remain in compliance with this and any other pertinent ordinances currently in force in the Borough.
2. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park license renewal. The plot plan shall contain information as required for a final land development plan as it relates to existing features.
3. Any subsequent new construction, alteration or extension of an existing mobile home park shall comply with the provisions of this Part.
4. Any existing mobile home park which, in the judgment of the Borough creates a fire or health hazard shall be required to comply with this Part within a reasonable period of time as determined by the Borough Council.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1003)*

### **§22-1004. Inspection of Mobile Home Parks.**

The Borough Council or other authorized Borough representative may inspect a mobile home park periodically to determine compliance with this Part. As a result of such inspection, the Borough Council may give notice for any violations of this Part.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1004)*

### **§22-1005. Design and Improvement Standards.**

The location, design and improvement standards for all mobile home parks shall comply with the following minimum requirements. Site design and improvement standards shall conform to the standards of the Biglerville Borough Zoning Ordinance [Chapter 27] and this Chapter.

#### **A. Site Design.**

- (1) **Buffering.** All mobile home parks must conform to the requirements of this Chapter.
- (2) **Site Location.** The location of all mobile home parks shall comply with the following minimum requirements. The parks must be:

- (a) The site shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- (b) The area shall not be subject to flooding.
- (c) The site shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

**B. Site Drainage.**

- (1) The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to insure the adequate drainage of all locations within the park.
- (2) A stormwater management plan shall be prepared in accordance with the requirements of this Part and the Borough's Stormwater Management Ordinance [Chapter 26, Part 1] and submitted for review and approval by the Borough prior to the granting of a permit to construct any mobile home park.
- (3) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.
- (4) Surface water collectors and other bodies of standing water shall not be susceptible to the breeding of mosquitoes and other insects.

**C. Soil and Ground Cover Requirements.**

- (1) Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- (2) All paving and/or planting shall be designed in accordance with the storm drainage plan.
- (3) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests.
- (4) An erosion control plan shall be submitted to the Borough for review. The erosion control plan shall be approved by the Adams County Conservation District.

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- (5) A landscaping plan shall be submitted for review and approval by the Borough.

### D. **Park Areas for Nonresidential Uses.**

- (1) No part of any park shall be used for nonresidential purposes, except such uses that are required for recreation, direct servicing, management or maintenance of the park and its residents.
- (2) Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

### E. **Building Setback Requirements.** Mobile homes shall be located to conform to the building setback requirements of the Biglerville Borough Zoning Ordinance [Chapter 27]. In addition, the following shall apply:

- (1) There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street or common parking area or other common areas and structures.
- (2) Mobile homes shall be located at least 50 feet from any park property line and at least 10 feet from any side or rear mobile home lot line.
- (3) Mobile home parks located adjacent to any industrial or commercial land use shall be required to provide screen planting (trees, shrubs) along the property boundary line separating the park from such adjacent use.

### F. **Blocks.** The size and shape of blocks in mobile home parks shall be determined with regard to:

- (1) Need for convenient access, automotive and pedestrian movement.
- (2) Providing desirable lot depths for pedestrian interior walkways and easements for utilities to be located within the block.
- (3) Blocks shall not exceed a maximum length of 1,600 feet.

### G. **Placement of Mobile Homes.**

- (1) Mobile homes, including any additions or accessory structures attached thereto, shall be separated from each other and from other buildings by at least 20 feet on all sides.

- (2) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- (3) **Construction of Mobile Home Stands.**
  - (a) The area of the mobile home stand shall be improved to provide an adequate frost-proof foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation, and in no event shall the mobile home be erected on jacks, loose blocks or other temporary materials. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
  - (b) The mobile home stand shall be provided with anchors and tie-downs such as cast in place concrete "deadmen." These anchors and tie-downs shall be placed at least at each corner of the mobile homes stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds. In the event that the mobile home is greater than 50 feet, the Borough shall reserve the right to increase the number of tie-downs required.
  - (c) Where required by the Borough, the applicant shall submit a design including drawings of the mobile home stand for review and approval.
  - (d) Installation shall conform to local and State codes and at a minimum shall conform to ANSI requirements for manufactures housing.

**H. Park Street System.**

- (1) **General Requirements.**
  - (a) A minimum of two vehicular accesses shall be provided. All accesses shall abut a public street.
  - (b) The entrance road, connecting the park with a public street or road shall have a minimum pavement width of 36 feet.
  - (c) Other internal streets shall:
    - 1) Streets shall have a minimum width of 32 feet.

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- 2) Dead end or cul-de-sac streets shall be provided at the closed end with a paved turnaround having an outside diameter of at least 100 feet.
  - 3) All streets within mobile home parks shall have concrete curbs and sidewalks in accordance with this Chapter.
- (d) Design and construction of all streets within the mobile home park shall be in accordance with this Chapter. All mobile home park streets shall be private streets unless otherwise agreed by the Borough.
  - (e) All mobile home lots shall be connected to a common street by means of a sidewalk or walkway. Such individual sidewalks shall have a minimum width of 3 feet.
  - (f) Street Names and Lot Numbers. Each street within a mobile home park shall be provided with street names and street name signs in accordance with this Part. Lot number shall be displayed in an easily visible location on each mobile home in a common place on the front yard side of the mobile home at least 6 feet above the ground.
- (2) **Parking Areas.**
- (a) Two paved off-street parking spaces for motor vehicles shall be provided on each mobile home lot. Required parking spaces shall be so located as to provide convenient access to the mobile home.
  - (b) A separate parking area for recreational vehicles shall be provided in each mobile home park.
  - (c) Paved off-street parking areas must also be provided to serve recreation areas, utility or service buildings and the park office.
  - (d) Layout, design and the number of spaces for all types of common parking areas shall be subject to review and approval by the Borough in accordance with Borough ordinances.

### I. **Required Recreation Areas or Fees.**

- (1) In all mobile home parks, a recreation area or areas with suitable facilities shall be maintained within the park for the use of all park residents.

- (2) Land required for such recreation areas shall be not less than 10% of the gross site area. Such land should generally be provided in a centralized location or in decentralized locations in larger mobile home parks.
- (3) Recreation areas shall be so located as to be free of traffic and environmental hazards and should, where the topography permits, be centrally located on relatively level ground.
- (4) If a suitable recreation area cannot be properly provided for the park, as determined by the Borough, payment of a recreational purpose fee is required. Such fee shall be in conformance with the applicable sections of this Chapter.
- (5) A recreation plan shall be submitted for review and approval per this Chapter.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1005)*

## **§22-1006. Water Supply.**

### **1. General Requirements.**

- A. If the mobile home park can be served by the extension of an existing public water supply system of satisfactory quantity, quality and pressure and is within 1,000 feet of the proposed development, the applicant shall connect to the Borough system. The distribution system within the proposed development shall be subject to review and approval in accordance with all applicable sections of this Chapter. Where a satisfactory public municipal water supply system is not available, a community water supply system shall be provided in accordance with requirement of this Chapter.
- B. The Pennsylvania Department of Environmental Protection and Biglerville Borough shall approve the water system design.

### **2. Design and Construction Standards.** Water supply and distribution systems shall be designed and constructed in accordance with Borough standards and the requirements of this Chapter. Where there is a conflict between this Section and other sections of this Part or other rules and regulations of the Borough and/or Authority, the more stringent shall apply. Standards shall also be as recommended by the Borough Engineer. All sources developed by the applicant shall meet the following additional requirements:

#### **A. Source of Supply.**

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- (1) The water supply shall be capable of supplying a minimum of 400 gallons per day per mobile home. A water supply feasibility study, performed in accordance with this Chapter, may be required to demonstrate that this requirement has been met.
- (2) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source and will not be constructed beneath any sewer line.
- (3) No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- (4) Water supply treatment shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

**B. Water Storage Facilities.** All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

**C. Water Distribution Systems.**

- (1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations.
- (2) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
- (3) The system shall be so designed and maintained as to provide a pressure of not less than 25 pounds per square inch, under normal operating conditions, at each mobile home, service buildings and other locations requiring potable water supply. The developer is required to provide all necessary engineering studies to ensure that there will be sufficient water pressure and flow to meet such requirement and for operation of fire protection systems.
- (4) **Individual Water Riser Pipes and Connections.**

- (a) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
- (b) The water riser pipe shall have a minimum inside diameter of  $\frac{3}{4}$  inch and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
- (c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (d) A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home lot. Underground slop-and-waste valves are prohibited unless their type of manufacturer and their method of installation are approved.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1006)*

## **§22-1007. Sewage Disposal.**

### **1. General Requirements.**

- A. If the mobile home park can be served by the extension of an existing public sanitary sewer system located within 1,000 feet of the proposed development and adequate treatment capacity is available, a complete sanitary sewage collection system must be installed and connected by the developer to the existing public sanitary sewer system. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Environmental Protection and the Borough or Authority regulations. If adequate treatment capacity is not available or connection to the existing public sanitary sewer system cannot be made, a community sewer system shall be provided. The system design shall be approved by the Pennsylvania Department of Environmental Protection and Biglerville Borough and/or Authority. It shall be required as a condition of plan approval that the owner agree to the provision that when public sewers are made available to the site, that the mobile home park be connected to such system and that all privately owned wastewater treatment facilities be abandoned.

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- B. Regardless of the proposed method of sewage disposal, all systems shall be in conformance with the Biglerville Borough ACT 537 official sewage facilities plan. Onlot sewage disposal systems are not acceptable for mobile home parks.
2. **Design and Construction Standards.** Sanitary sewer systems and wastewater treatment facilities shall be designed and constructed in accordance with Borough standards and the requirements of this Chapter. Where there is a conflict between this Section and any other section of this Part or other rules and regulations of the Borough and/or Authority, the more stringent shall apply. Standards shall also be as recommended by the Borough Engineer.
- A. **Individual Sewer Connections.**
- (1) Each mobile home lot shall be provided with at least a 4 inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
  - (2) The sewer connection shall have a nominal inside diameter of not less than 4 inches, and the slope of any portion thereof shall be at least  $\frac{1}{4}$  inch per foot. All joints shall be watertight.
  - (3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable; the inner surface shall be smooth.
  - (4) Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least  $\frac{1}{2}$  inch above ground elevation.
  - (5) If sanitary traps are not provided within the individual mobile home unit, it shall be installed in the sanitary sewer laterals.
- B. **Sewer Lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1007)*

**§22-1008. Electrical Distribution System.**

1. **General.** Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. All electrical system materials and installation shall be consistent with the National Electric Code as most recently amended.
2. **Power Distribution Lines.** All power distribution lines shall be installed underground in accordance with the suppliers' regulations. All other utilities, such as telephone, community cable television service, etc., shall also be installed underground in accordance with the individual utility's specifications governing such systems.
3. **Individual Electrical Connections.** Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
4. **Required Grounding.** All exposed noncurrent-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1008)*

**§22-1009. Service Buildings and Other Community Service Facilities.**

1. **Applicability.** The requirements of this Section shall apply to service buildings, recreational buildings and other community service facilities when constructed, such as:
  - A. Management offices, repair shops and storage area.
  - B. Laundry facilities.
  - C. Indoor recreation areas.
  - D. Commercial uses supplying essential goods or services for the exclusive use of park occupants.
2. **Structural Requirements for Buildings.**

## SUBDIVISION AND LAND DEVELOPMENT

- A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- B. All rooms containing laundry facilities shall:
  - (1) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than 10% of the floor area served by them.
  - (2) Have at least one window which can be easily opened or a mechanical device that will adequately ventilate the room.
- C. Toilets shall be located in separate compartments equipped with self-closing doors. Toilets shall have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1009)*

### **§22-1010. Refuse Handling.**

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All applicable local, State and Federal regulations shall be complied with. The plans shall outline the proposed method of refuse disposal.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1010)*

### **§22-1011. Insect and Rodent Control.**

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination and other methods of rodent control shall comply with any applicable local, State and Federal regulations.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1011)*

### **§22-1012. Fuel Supply and Storage.**

#### **1. Natural Gas Systems.**

- A. Natural gas piping systems when installed in mobile home parks shall be approved by the utility company providing the service.
  - B. Each mobile home lot provided with piped gas shall have an approved shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
2. **Liquefied Petroleum Gas System.** Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:
- A. Systems shall be approved with safety devices to relieve excessive pressure and shall be arranged so that the discharge terminates at a safe location.
  - B. Systems shall have at least one accessible means of shutting off the gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
  - C. All LPG piping outside the mobile home shall be buried and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile home.
  - D. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specifically approved by the Borough.
3. **Fuel Oil Supply Systems.**
- A. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
  - B. All storage tanks shall be protected from physical damage.
  - C. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within 5 inches of storage tank.
  - D. All fuel storage tanks and cylinders shall be securely placed and under no circumstances located less than 5 feet from any mobile home exit.

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4. **Storage Tank Foundations.** All fuel tanks not withstanding the type of fuel shall be provided with a stable foundation of compacted stone or concrete and anchoring or as may be required by any applicable regulation, whichever is more stringent.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1012)*

### **§22-1013. Fire Protection.**

1. Fire protection systems shall be provided per §22-607.
2. In addition, the following shall apply:
  - A. All applicable local, State and Federal regulations shall be complied with.
  - B. Each individual mobile home shall be equipped with two working fire extinguishers.
  - C. In the event the applicant wishes to provide alternate means of fire protection, design information shall be subject to review by the Borough, Borough Engineer and the local fire agency and shall be subject to approval by the Borough.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1013)*

### **§22-1014. Single Mobile Homes.**

1. Any single mobile home shall meet the specifications for manufacture of mobile homes as set forth in U.S. Standard A 119.1-1969, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards. Certification to such shall be submitted with the mobile home permit application.
2. If a mobile home is erected and maintained as a single family dwelling other than in a mobile home park, the lot size, setback, sewer and water requirements shall be the same as for a single family home, and in addition, placement and base enclosure requirements shall be the same as for mobile homes placed in mobile home parks.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1014)*

### **§22-1015. Responsibilities of the Park Management.**

1. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Part and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in clean and sanitary condition.

2. The park management shall supervise the placement of each mobile home on its mobile home lot. This includes securing its stability and installing all utility connections. All mobile homes shall be inspected by the Borough.
3. The park management shall give the Borough officials free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspections.
4. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
5. A permit shall be obtained by the park management prior to placement of all structures and mobile homes in accordance with applicable Borough ordinances.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1015)*

**§22-1016. Guidelines for Rules, Regulations and Agreements between Mobile Home Park Operators and Tenants.**

1. The following is a listing of minimum requirements that shall be included within a set of rules and regulations developed by each mobile home park operator to inform each prospective tenant of the park's operating policies.
2. The tenants/owner agreement shall be submitted to the Borough for review and recommendation. The agreement shall be reviewed and approved by the Borough prior to final plan approval and shall be recorded with the final plan. A copy which shall be on file at the mobile home park and Borough office.
  - A. Number of pets allowed and other restrictions.
  - B. Speed limits and traffic control within the park.
  - C. Rent payment provisions and sub-letting policies.
  - D. Garbage collection schedules.
  - E. Vehicular ownership and maintenance restrictions.
  - F. Responsibilities of the tenant regarding behavior, including that of children and visitors.
  - G. Policies regarding swimming pools, mobile home skirting and other lot improvements required by operator or desired by tenants.
  - H. Maintenance responsibilities of each tenant.

## SUBDIVISION AND LAND DEVELOPMENT

- I. Maintenance and use of common areas (i.e., recreation areas).
- J. Requirement that tenant inspect and maintain in adequate operation gas, electric and fire protection systems and equipment.

(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1016)

### **§22-1017. Facilities.**

1. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.
2. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1017)

### **§22-1018. Removal of Mobile Homes.**

1. No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Borough without first obtaining a permit from the Borough Tax Collector as required by Act 54, 1969, of the Pennsylvania General Assembly.
2. Such permit shall be issued upon payment of a fee as required by the fee schedule currently in force in the Borough, and any real estate tax assessed against the home and unpaid at the time the permit is requested.

(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1018)

### **§22-1019. Notices and Revocation of License.**

1. **Notices.** Whenever the Borough or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part or of any regulations adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit and/or certificate and/or license was issued, as hereinafter provided. Such notice shall:
  - A. Be in writing.
  - B. Include a statement of reasons for its issuance.
  - C. Allow a reasonable time for the performance of any act it requires.

- D. Be served upon the owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
  - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part, or any part thereof, and with the regulations adopted pursuant thereto.
2. **Revocation of License.** In addition to the provisions and penalties for violations as given in §§22-1016 and 22-1017 of this Chapter, the Borough may give reasonable notice for the remedying of violations and if such violations are not remedied within the prescribed period of time, the Borough may declare the license revoked.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1019)*

**§22-1020. Enforcement and Penalties.**

- 1. Duly authorized representatives of Biglerville Borough have the right to enter private property at reasonable times to investigate any condition associated with this Part.
- 2. Anyone violating the provisions of this Part shall be guilty of an offense, and upon conviction shall be subject to a fine of not more than \$600 for each violation, recoverable with costs, and in default of payment, imprisonment of not more than 30 days. Each day that the violation continues shall be a separate offense.
- 3. In addition, Biglerville Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

*(Ord. 10/5/1999A; as added by Ord. 9-2001, 9/4/2001, §1020)*



**EXHIBIT I**  
**SAMPLE CERTIFICATION AND DEDICATORY BLOCKS**

COMMONWEALTH OF PENNSYLVANIA COUNTY OF ADAMS

ON THIS THE \_\_\_\_ DAY OF 20\_\_\_\_ BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED

OWNER(S) \_\_\_\_\_

OWNER(S) \_\_\_\_\_

WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND DEED AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND DATE ABOVE WRITTEN.

\_\_\_\_\_  
MY COMMISSION EXPIRES

\_\_\_\_\_  
NOTARY PUBLIC

IT IS HEREBY CERTIFIED THAT THE UNDERSIGNED ARE THE EQUITABLE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT AND THAT ALL STREETS OR PARTS THEREOF, IF NOT PREVIOUSLY DEDICATED, ARE HEREBY TENDERED FOR DEDICATION TO PUBLIC USE.

OWNER(S) \_\_\_\_\_

OWNER(S) \_\_\_\_\_

OWNER(S) \_\_\_\_\_

OWNER(S) \_\_\_\_\_

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN.

\_\_\_\_\_  
REGISTERED SURVEYOR

(Seal)

NAME OF SURVEYOR/ADDRESS



**EXHIBIT II**  
SAMPLE PLAT APPROVAL BLOCKS

THIS PLAN REVIEWED BY THE ADAMS COUNTY OFFICE OF PLANNING AND DEVELOPMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

DIRECTOR \_\_\_\_\_

SECRETARY \_\_\_\_\_

THIS PLAN REVIEWED BY THE BIGLERVILLE BOROUGH ENGINEER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
BOROUGH ENGINEER \_\_\_\_\_

THIS PLAN APPROVED BY THE BOROUGH COUNCIL OF BIGLERVILLE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

PRESIDENT \_\_\_\_\_

SECRETARY \_\_\_\_\_

THIS PLAN RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR ADAMS COUNTY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

PLAN BOOK \_\_\_\_\_ VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_



**EXHIBIT III**  
**SAMPLE TIME EXTENSION AGREEMENT**  
**BOROUGH OF BIGLERVILLE**

AGREEMENT TO EXTEND THE TIME FOR RENDERING  
AND COMMUNICATING A DECISION ON CERTAIN  
PRELIMINARY AND/OR FINAL SUBDIVISION/LAND DEVELOPMENT PLANS.

This Agreement made the \_\_\_\_ day of 20 \_\_\_\_ by and between the Borough Council of the Borough, Adams County, Pennsylvania (hereinafter called "Governing Body) and \_\_\_\_\_ (hereinafter called ("Developer")).

WHEREAS, The Developer submitted a preliminary/final plan of subdivision/land development for a development known as \_\_\_\_\_ to the Borough on the -day of 20 \_\_\_\_ ; and,

WHEREAS, there are certain deficiencies, matters of incompleteness or other similar items by reason of which the Governing Body cannot approve said plan of subdivision/land development as more fully detailed in a letter delivered to Developer by the Governing Body dated the \_\_\_\_ day of 20 \_\_\_\_ , receipt of which is acknowledged by Developer; and,

WHEREAS, the term within which the Governing Body must render a decision approving or disapproving said plan of subdivision/land development pursuant to the provisions of Section 508 of the Pennsylvania Municipalities Planning Code, as amended, expires the \_\_\_\_ day of 20 \_\_\_\_ ; and,

WHEREAS, the Developer wishes to have an additional period of time within which to attempt to bring said plan of subdivision/land development into compliance with all applicable Borough ordinances and regulations;

NOW THEREFORE, in consideration of the above recitals and the covenants hereinafter contained. The parties hereto agree as follows:

1. Developer hereby agrees to an extension of the time within which the Governing Body must render a decision and communicate its decision relative to the above-mentioned plan of subdivision/land development to the Developer which extended time period shall expire the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_
2. In consideration of the extension of time granted by Developer, the Governing Body agrees that it will not disapprove the plan of Subdivision/land development submitted as aforesaid at this time as it would otherwise be bound to do; rather, the Governing Body agrees to consider the plan of subdivision/land development with such changes and corrections as the Developer shall make and to render a decision within the time as extended by this Agreement.

SUBDIVISION AND LAND DEVELOPMENT

IN WITNESS WHEREOF, the parties intending to be legally bound have hereunto set their hands and seals the day and year first above written.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

Developer

\_\_\_\_\_

\_\_\_\_\_

Developer

Accepted by the Borough of Biglerville

BY: \_\_\_\_\_

President

**EXHIBIT IV**  
**SAMPLE IRREVOCABLE LETTER OF CREDIT**

**BOROUGH OF BIGLERVILLE**

IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_

At the request of \_\_\_\_\_, we hereby authorize the Borough, Adams County, to drawn on \_\_\_\_\_ up to an aggregate amount of U.S. Dollars available by yours drafts at sight accompanied by your written certification for the failure of \_\_\_\_\_ to complete improvements as required by the subdivision/land development plan of \_\_\_\_\_, dated \_\_\_\_\_, 20 \_\_\_\_, and any related agreements between \_\_\_\_\_, and the Borough of Biglerville, particularly the Agreement to Establish Security, dated \_\_\_\_\_, 20 \_\_\_\_.

Such certification must enumerate the amount payable to you from the account of \_\_\_\_\_. All drafts so drawn must be marked drawn under our credit number \_\_\_\_\_.

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for one year from the expiration date provided hereinafter unless thirty (30) days prior to such expiration date we shall notify you in writing by registered mail that we elect not to consider this Letter of Credit renewed of any such additional period. Upon receipt by you of such notice, you may draw hereunder, without having incurred liability by reason of the failure of \_\_\_\_\_ to construct and install the improvements as required by the above identified plans, profiles and agreements, by means of your drafts on us, at sight, accompanied by your written certification that certain installation and construction work remains to be completed and the proceeds of your drafts will be retained and used by you to make any payments which you might thereafter be to complete the construction and installation of said improvements, and further, that you will refund to use the amount paid, less any amounts which may have been paid by you for the construction and installation of said uncompleted improvements.

We engage with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored on or before \_\_\_\_\_ or any automatically extended date, as herein before set forth. We confirm the credit and hereby undertake that all drafts, presented as above specified, will be duly honored by us.

We specifically agree that your drafts will be honored regardless of any objection and by \_\_\_\_\_ or any third party, even if said objections indicate that all the required improvements have been completed. In the event we refuse and fail to honor your drafts in violation of the foregoing we will be responsible for reasonable attorney fees incurred by you in enforcing your right of payment under the terms hereof. It shall be the responsibility of \_\_\_\_\_ to resolve any disputes with the Borough of Biglerville.

and payments on drafts will not be withheld as a result of any such disputes.

SUBDIVISION AND LAND DEVELOPMENT

Very truly yours,

By \_\_\_\_\_  
President or Vice President

ATTEST:

\_\_\_\_\_  
Secretary or Assistant Secretary

The Developer is aware of the contents of this letter of credit, understands the same, and agrees that the issuance of the same, subject to the conditions contained herein, effectively eliminate any right to object to payment of said drafts, although Developer retains all rights to take any legal or equitable action against the Borough of Biglerville to recover the proceeds of said drafts so honored, to the extent that the Borough of Biglerville is determined to be not entitled to the same and/or has not refunded the same to

\_\_\_\_\_

By \_\_\_\_\_  
President/Partner

**EXHIBIT V  
SAMPLE SECURITY AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ by and between \_\_\_\_\_ hereinafter referred to as "DEVELOPER" and THE Borough of Biglerville, Adams County, Pennsylvania, hereinafter called ~

WHEREAS, Section \_\_\_\_ of Ordinance - provides as a prerequisite to receiving authorization to proceed to construct required improvements, the developer shall deposit with the Borough cash, a corporate bond or other security acceptable to the Borough in an amount sufficient to cover at least one hundred ten (110%) percent of the costs of construction of the subject improvements which amount shall be approved by the Borough engineers in writing prior to submission of the letter of credit, and which may be required and for such period of time as the Borough determines reasonable.

WHEREAS, the Developer has submitted final design plans a preliminary and final subdivision/land development plan known as \_\_\_\_\_ to the Borough which plan has been approved contingent upon the Developer's depositing security acceptable to the Borough to guarantee the installation of improvements shown thereon.

NOW, THEREFORE, it is hereby agreed between the Developer and the Borough as follows:

1. The owners, at their sole expense, will construct and install the improvements required by the final design plans for the preliminary and final subdivision/land development plan of the development known as \_\_\_\_\_ and by accompanying engineering drawings identified as follows:
2. Said improvements shall be constructed and installed by \_\_\_\_\_  
Time of the completion of the said improvements shall be of the essence unless extended by mutual agreement of the parties in writing.
3. The Borough engineers, after submission of the developer's plans and information, have determined that the amount of sufficient security for the construction and installation of said improvements shall be \_\_\_\_\_ Dollars, determined as follows:
4. Upon execution of this Agreement the developer shall deposit with the Borough an irrevocable letter of credit in the amount of at least \_\_\_\_\_ having an expiration date of no earlier than \_\_\_\_\_. Said Irrevocable letter of credit shall be issued by a suitable banking institution acceptable to the Borough, shall refer to the within Agreement

SUBDIVISION AND LAND DEVELOPMENT

and otherwise shall be acceptable to the Borough and in a form generally as that attached hereto and marked Exhibit "IV."

5. Immediately after execution of this Agreement and receipt by the Borough of the letter of credit, the Borough shall authorize the developer to proceed with the construction of the improvements provided the developer complies with the requirements of all other pertinent Borough Ordinances.

6. Upon completion of the improvements in accordance with the procedure of Section 510 of the Pennsylvania Municipalities Planning Code, as amended and supplemented and with the provisions of Ordinance, the Borough shall release said security.

7. Prior to acceptance of the improvements by the Borough, the developer shall post a maintenance bond or letter of credit in favor of the Borough. This guarantee shall be in an amount not less than 15% of the original improvement guarantee and shall bear a term of 18 months. At the end of the 18 month period, the Borough Engineer or his designated representative shall inspect the improvements to ascertain their condition prior to release of the maintenance guarantee. If any repairs are deemed necessary at this time, as a result of this inspection, the developer shall make all required repairs as soon as possible. In the event the developer refuses to make the repairs or is financially unable to do so, the Borough shall invoke the provisions of the maintenance guarantee and use the proceeds thereof to complete the repair.

IN WITNESS WHEREOF, the parties aforesaid have hereunto set their hands and seals the day and year first above written.

WITNESS:

\_\_\_\_\_

By: \_\_\_\_\_  
BOROUGH COUNCIL  
BOROUGH OF BIGLERVILLE  
ADAMS COUNTY,  
PENNSYLVANIA

By: \_\_\_\_\_  
PRESIDENT OR VICE PRESIDENT  
DEVELOPER

ATTEST:

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SECRETARY OR ASSISTANT SECRETARY

