BOROUGH OF BONNEAUVILLE

Adams County, Pennsylvania

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

As authorized by the Borough

Ordinance 44, January 17, 1976
As Amended Through
Ordinance 69, April 19, 1994

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CHAPTER 22

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Part 1

Authority, Purpose, Title and Jurisdiction

§100. Authority. This Chapter is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, 53 P.S. §10101 et seq. (Ord. 44, 2/17/1976, §100)

§101. Purpose. This Chapter has been designed and adopted to provide uniform standards and procedures for the regulation and control of subdivision and land development within Bonneauville Borough. The purpose of such regulation and control is to provide for the safe and coordinated development of the Borough by assuring sites suitable for building purposes and human habitation; by coordinating proposed streets and other proposed public improvements with those existing; by assuring that adequate easements and rights-of-way are provided for drainage facilities and public utilities; and by assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for the designated uses. (Ord. 44, 2/17/1976, §101)

§102. Title. This Chapter shall be known as the "Bonneauville Borough Subdivision and Land Development Ordinance." (Ord. 44, 2/17/1976, §102)

§103. Jurisdiction. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings, abutting thereon within the Borough of Bonneauville, except in accordance with the provisions of this Chapter; and no landowner shall sell, transfer, or agree to enter into an agreement to sell any land in a subdivision or land development located within the Borough of Bonneauville; whether by reference to or by other use of a plat of such or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Chapter and such has been finally approved and recorded as provided herein. (Ord. 44, 2/17/1976, §103)

§104. Authority of the Adams County Planning Commission. A copy of all applications for subdivision and land development located within Bonneauville Borough shall be forwarded upon receipt by the municipality to the County Planning Agency for review and report. The municipality shall not approve such application until the County report is received or until the expiration of thirty (30) days from the date such application was forwarded to the County Planning Commission. (Ord. 44, 2/17/1976, §104; as amended by Ord. 69, 4/19/1994)

§105. Requirement to Adhere to Act 247. Both the applicant and the municipality must follow the provisions of the Pennsylvania Municipalities Planning Code, Act 247, and meet the requirements thereof in respect to public hearings, meetings and time schedules. Particular attention must be given to Article V of Act 247 titled "Subdivision and Land Development." (Ord. 44, 2/17/1976, §105)

§106. Municipal Liability. The acceptance or approval of a development or subdivision plan, or the granting of a permit for any construction in, on or above the ground, shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any agent, official, or employee thereof, of the practicability, safety, or legal right to the use of any property, lot or tract in the Borough; nor shall it create any liability upon the Borough, its officials, employees or agents. (Ord. 44, 2/17/1976, §106)

Part 2

Definitions

§200. Definitions. Unless otherwise expressly stated, the following words shall, for the purposes of this Chapter, have the meaning herein indicated:

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

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative 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. [Ord. 69]

BERM - That portion of a street lying on either side of the cartway where the soil is stabilized in order to protect the edge of the pavement or other road surfacing.

CARTWAY - That portion of a street 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 street centerlines.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 69]

COUNTY - Shall mean the County of Adams, Pennsylvania.

CUL-DE-SAC - A relatively short dead end street with a turn-around provided.

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

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

DEVELOPMENT PLAN - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 69]

EASEMENT - A right-of-way granted for the limited use of land for public or quasi-public purposes.

EROSION - The removal of surface materials by the action of natural elements.

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

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 designated point of higher elevation on the final grade. The material used to make a fill.

GOVERNING BODY - Shall mean the Borough Council of Bonneauville Borough, Adams County, Pennsylvania.

LAND DEVELOPMENT - any of the following activities:

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

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of land.

C. "Land development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

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

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, 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 the proper authorities.

[Ord. 69]

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, shall be deemed to be a landowner for the purposes of this Chapter.

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. [Ord. 69]

MOBILEHOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, 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. [Ord. 69]

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [Ord. 69]

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 69]

MOBILE HOME STAND - That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 69]

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

MUNICIPALITY - the Borough of Bonneauville, Adams County, Pennsylvania.

PERSON - any individual or group of individuals, partnership, or corporation.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. [Ord. 69]

PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, 53 P.S. §10101 et seq.

PLANNING COMMISSION OR AGENCY - the Bonneauville Borough Planning Commission.

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

PRELIMINARY - A tentative plan indicating the proposed layout of

a subdivision prepared by the subdivider for submission to the Planning Commission for its consideration.

FINAL - A complete and exact plan of subdivision which is presented to the Planning Commission for approval and which, if approved, will be submitted to the Recorder of Deeds of Adams County for recording in accordance with law.

PUBLIC GROUNDS - includes:

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; and

C. Publicly owned or operated scenic and historic sites.

[Ord. 69]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 69]

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," 53 P.S. §§271 et seq. [Ord. 69]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 69]

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

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

SKETCH PLAN - A plan submitted at the option of the applicant, usually a freehand drawing of an idea for a proposed subdivision and land development; which may show the layout of streets, lots, and other pertinent features. It is advisable that it be drawn on a general topographic or tax map.

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

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

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used

by vehicular traffic or pedestrians whether public or private. [Ord. 69]

A. Arterial Streets are those which are used primarily for through, fast or heavy traffic.

B. Collector Streets are those which carry traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments.

C. Minor Streets are those which are used primarily for access to the abutting properties. These may be primarily access to homes in which case they will be minor residential streets.

D. Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.

E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

F. Reverse Frontage Streets. A minor street that provides access to lots that would otherwise front on an arterial street. With the introduction of a reverse frontage street, the lots front on the minor street with the rear lot lines along the arterial.

G. Partial or half-streets are those where part of the right-of-way is provided by one property owner with the intent that the remaining part will be provided by the adjoining property owner.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 69]

SUBDIVIDER - a person, partnership, corporation, association or other entity who or which owns land in the municipality and for which a land subdivision application is filed and processed under the provisions of this Chapter. (see also APPLICANT and DEVELOPER)

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 69]

MAJOR SUBDIVISION - Any subdivision involving five (5) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other facilities immediate or future.

MINOR SUBDIVISION - Any subdivision involving not more than four (4) lots, parcels of land, or other divisions of land which abut a street of sufficient width and does not require a new street, the installation of sanitary sewers, storm sewers, water mains or pipes, or other facilities. Any number of lots not meeting these criteria

must be handled as a major subdivision.

SUBSTANTIALLY COMPLETED - where in the judgment of the [municipal] engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) 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. [Ord. 69]

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

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

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

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough. [Ord. 69]

(Ord. 44, 1/17/1976, §200; as amended by Ord. 69, 4/19/1994)

Part 3

Modifications

§300. Modifications.

1. The Borough Council may grant a modification of the requirements of one (1) or more 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 this Chapter is observed.

2. 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 this Chapter involved and the minimum modification necessary.

3. The request for modification shall be referred to the Planning Commission for advisory comments.

4. The Borough Council shall keep a written record of all action on all requests for modifications.

(Ord. 44, 2/17/1976, §300; as amended by Ord 69, 4/19/1994)

§301. Large Scale Development. The standards and requirements of these regulations may be modified by the Borough Council in the case of a plan or a program for a complete community, neighborhood unit, or a mobile home park, which in the judgment of the Borough Council shall provide adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. [Ord. 69]

A. Mobile Home Parks. See Part 6.

B. Recreation Vehicle Parks. See Part 7.

C. Other Large Scale Development. Not involving the subdivision of land to include, but not necessarily limited to campgrounds, fairgrounds, industrial parks, shopping centers, planned residential developments, campus type educational facilities, nursing homes, correctional institutions and similar installations shall be subject to plan review, comment and adjustment by the Borough Planning Commission and Borough Council; however, prior to any local approvals, evidence of compliance with all rules and regulations of the State Departments of Environmental Resources and Transportation shall be required. Additionally, all applicable zoning regulations shall apply.

(Ord. 44, 2/17/1976, §301; as amended by Ord 69, 4/19/1994)

Part 4

Plan Requirements and Processing Procedures

§400. General. The plan requirements and processing procedures shall be followed by the developer as set forth herein and all proposed subdivisions and land developments shall be submitted for review and action as provided for by this Chapter. (Ord. 44, 2/17/1976, §400)

§401. Optional Sketch Plans.

1. Prior to the filing of an application for review and approval, the developer may submit a sketch plan directly to the Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the developer to factors which must be considered in the design of the subdivision or land development such as pertinent elements of any County or Borough land use, thoroughfare and community facilities.

2. Sufficient information should be included in the sketch plan 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 the same is to be located. It is recommended that sketch plan submissions include a map covering sufficient area to establish the location of the site and an informal plan of any existing or proposed streets, lotting, utilities, natural features and other elements within the subdivision or land development including topographic contours.

3. Prospective applicants should consult the County Soil and Water Conservation District representative and a certified geologist concerning erosion and sediment control and any possible effect of geologic conditions on the proposed development. At the same time, a determination can be made as to the result or effect the subdivision or development may have on the soil, water or other elements of the environment.

(Ord. 44, 2/17/1976, §401)

§402. Preliminary Plans; Plan Requirements. The following shall be submitted in application for review of a preliminary plan:

1. Plan Revision Module. The applicant shall be required to prepare the Plan Revision Module in accord with the Pennsylvania Sewage Facilities Act and Section 71.16, Chapter 71 of Title 25 of the Pennsylvania Code as amended. Copies of the form or guide to be used are entitled "Plan Revision Module for Land Development" and are available at any office of the Department of Environmental Resources.

2. Preliminary Plan Requirements. Six (6) copies of a map or series of maps on sheets fourteen by nineteen inches (14" x 19") drawn to scale not smaller than one hundred (100) feet to the inch unless otherwise specified herein, and a supplementary document showing and/or explaining the following:

A. Name or identifying title of the proposed subdivision or land development.

B. North point, scale and date.

C. Municipality in which the proposed subdivision or land development will be located.

D. A diagram, at a scale not smaller than two thousand (2,000) feet to the inch, covering sufficient area to establish the location of the site within the Borough.

E. Name and address of the owner of the property. Name and address of the developer.

F. The names of owners of all abutting unplatted land and the names of all abutting subdivisions.

G. Name of the licensed professional, as qualified under the Act of May 23, 1945, P.L. 913, No. 367, the Professional Engineer's Registration Law, responsible for the plan. [Ord. 69]

H. Tract boundaries with bearings and distance.

I. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.

J. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.

K. All existing buildings, sanitary and storm sewers, water mains, culverts, fire hydrants and other significant man-made features on or adjacent to the tract.

L. Water courses, marshes, rock outcrops and wooded areas. If the tract includes areas which are subject to flooding, a drainage and flood control plan shall be submitted.

M. Existing from actual field data and, when deemed necessary by the Planning Commission, proposed contours at vertical intervals of five (5) feet or, in the case of land having a slope of two percent (2%) or less, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum or such other source approved by the Municipal Engineer.

N. Total acreage, number of lots, and number of dwelling units and/or structures in tabular form; and lot numbers.

O. Location, width and approximate grade of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; proposed minimum set-back line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

P. Location of any proposed site improvements such as curbs, sidewalks, drives, street trees and, when the proposed development includes other than individual residences, the type of land use, residential density and the location of structures and parking facilities.

Q. An indication of the general location of proposed water mains, sanitary sewers and storm water catch basins and lines. The preliminary size of each line should be shown as well as the locations

of or distances to any existing line to be connected to, with the size of such existing lines indicated.

R. General plans for the collection of run-off of surface water and its out-fall together with design analysis and any other supporting data.

S. In cases where the preliminary plan covers only a portion of the developer's tract, a key map at a scale not smaller than four hundred (400) feet to the inch, showing the entire tract, its topography at contour intervals of at least twenty (20) feet, its natural features, and the proposed street system for the entire tract; abutting streets and names of abutting property owners; and the portion of the tract included in the preliminary plan submission.

3. Dimension and Areas of Lots. The dimensions and areas of lots shall conform to zoning regulations [see Chapter 27] and/or to the following minimum requirements:

A. Lots Not Served by Public Water and Sewers. Residential lots where not served by public water or sanitary sewers and the land meets the necessary percolation and soil survey standards the width at the building line shall be not less than eighty (80) feet, nor less than twenty thousand (20,000) square feet in area, per dwelling unit.

B. Lots Served by Either Public Water or Public Sewerage. Residential lots where served by public water or sanitary sewers and the land meets the necessary percolation and soil survey standards the width at the building line shall be not less than eighty (80) feet, nor less than fifteen thousand (15,000) square feet in area, per dwelling unit.

C. Lots Served by Public Water and Sanitary Sewers. Residential lots where served by both public water and sanitary sewers the width at the building line shall be not less than eighty (80) feet, nor less than ten thousand (10,000) square feet in area, per single-family detached dwelling.

(1) Lots in all other circumstances must conform to all regulations set forth in the Borough Zoning Ordinance [Chapter 27].

D. Lots for Other Than Residential Uses. The lot width and area requirements of properties reserved or laid out for uses other than residential shall provide adequate space for yards and off-street loading, unloading and parking facilities. Subdivision plats for uses other than residential shall be accompanied by plans of contemplated construction on the subdivision lots in sufficient detail to assure that these requirements are being satisfied. All zoning regulations [Chapter 27] and plan requirements shall be met to the satisfaction of the Borough Council.

E. Lot Sizes and Percolation Tests. The size of lots in (A) and (B) above shall be increased wherever either septic tanks and/or private water wells are to be used in a subdivision and the required percolation tests indicate that a larger area is required.

4. Percolation Tests.

A. Percolation tests are required on all building lots, unless

they are to be immediately served by a public sanitary sewer system, and shall be made by the local sanitarian in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources and the Borough of Bonneauville. All costs incurred shall be the responsibility of the applicant. DER may require more extensive soil permeability investigation to assure proper functioning of the sewage disposal system. Such investigation shall be undertaken in accordance with DER specifications and at the expense of the developer.

B. Notwithstanding other approvals and rules and regulations, the installation of on-lot sewage disposal facilities on a lot, tract, etc., regardless of size and other pertinent information, and/or the use of such facilities must be supported by percolation tests and such data must be presented to and found satisfactory by the Borough Council prior to issuance of any Permit.

5. Other Plans and Data. Such other plans and information as may be required by the Planning Commission in order to review and ascertain the workability of the preliminary plans including any existing or proposed deed restrictions and protective covenants.

(Ord. 44, 2/17/1976, §402; as amended by Ord. 8/16/1983; and by Ord. 69, 4/19/1994)

§403. Preliminary Plans; Procedures. The following procedures shall be followed in the submission and processing of preliminary plans for proposed subdivisions and land developments:

1. The developer has the two (2) following alternatives regarding the submission of a preliminary plan:

A. In the case of a minor subdivision (as defined), request the Planning Commission to waive the requirement that a preliminary plan be submitted and approved before consideration of a final plan. If the Commission grants the waiver, he may begin the final plan preparation and procedure as required by §§404, 405 and 406. After two (2) minor subdivisions have taken place within any given tract, the developer shall be required by the Planning Commission to submit a complete preliminary plan for the entire tract on the next subsequent application; unless the size, frequency, and inter-relationship of prior subdivisions clearly do not warrant such.

B. Prepare a preliminary plan in accordance with the requirements of §402.

2. The developer shall submit the required preliminary plan documentation and fees to the Borough Secretary at least nine (9) days prior to the regularly scheduled meeting of the Planning Commission.

3. At the next regularly scheduled meeting, the Planning Commission shall first review the submission in respect to completeness.

A. If the submission is found to be in accordance with the requirements of this Chapter, the submission shall be accepted with said acceptance to constitute official plan filing by the developer as of that meeting date, and the Commission may proceed with plan review. Within five (5) days thereafter the Commission shall notify the developer in writing of the acceptance of the preliminary plan submission.

B. If the submission is found to be incomplete in respect to the requirements of this Chapter, the Commission shall suspend review and the plan shall not be considered as filed. Within five (5) days thereafter, the Commission shall notify the developer in writing of the rejection of the plan, and of the additional information required and submit a copy of said notice to the Borough Secretary. If the developer elects not to proceed further, upon so notifying the Borough in writing, that portion of the preliminary plan fee based on the number of lots paid shall be returned.

4. Upon the filing of a preliminary plan as determined above, the Planning Commission shall forward a copy of all documents to the Adams County Planning Commission for review and report. In addition, at the direction of the Commission, the plan shall be referred to the following as appropriate:

A. Municipal engineer for review of required improvements and cost estimates to establish the amount of any required performance guarantee.

B. Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed Legislative Route or will have a proposed street requiring access to such a route.

C. Pennsylvania Department of Environmental Resources for any necessary report in respect to sewer and water facilities.

D. Adams County Soil and Water Conservation District for review in respect to drainage, erosion and any other related considerations.

5. The Planning Commission shall render a decision on the preliminary plan and submit two (2) copies of the plan documents and their report thereon to the Borough Secretary within five (5) days after taking action.

6. The Borough Council shall approve, conditionally approve, or disapprove the preliminary plan within eighty-five (85) days after the plan filing date (see §403(3)(A) hereof) and communicate said decision to the developer within five (5) days thereafter, (unless the applicant has agreed in writing to an extension of time) together with one (1) copy of all plan documents upon which shall have been noted Commission and Borough Council action. Said notice shall be in writing and specifically cite any conditions of approval and/or any plan defects.

7. Approval of the preliminary plan constitutes approval of the proposed subdivision or land development in 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 and permits the developer to begin preparation of the final plan. Preliminary approval does not authorize the recording, sale or transfer of lots.

8. Preliminary approval shall expire within one (1) year after being granted unless, due to extenuating circumstances, an extension is requested by the developer and approved by the Planning Commission and Borough Council. Requests for extensions must be submitted to the Borough Secretary thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than two (2) one-year periods.

(Ord. 44, 2/17/1976, §403)

§404. Final Plans; Plan Requirements. The following shall be submitted in application for review of a final plan. Final plans shall conform in all important details with preliminary plans as previously approved, except that the final plan may cover only a portion of the total subdivision shown in the preliminary plan, and any conditions specified in the approval of preliminary plans shall be incorporated in the final plans.

1. Six (6) copies of the final plan in the form of a map or series of maps on sheets fourteen by nineteen inches (14" x 19") drawn to scale not smaller than one hundred (100) feet to the inch. When more than one (1) 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 on a durable material and the plan or supplementary documents shall show the following:

A. Information required under §402 hereof. In the case of the waiver of the preliminary plan submission for a minor subdivision by the Planning Commission, the information required under §402(1) and 402(2) shall be provided.

B. Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the subdivision plan shall be referred.

C. Location and description of survey monuments.

D. Location, dimensions, and purpose of easements.

E. Final tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or deflection angles, and radii, arc and central angles of all curves; and building set-back lines.

F. Statement by owner offering the dedication of any streets, rights-of-way and any sites for public uses.

G. Locations and types of erosion and sediment control measures.

(1) Evidence of conformance to flood area requirements.

H. Final plans and profiles of streets showing grades approved by the Municipal Engineer.

I. Cross sections of streets showing the type of construction, the width of rights-of-way, width of cartway, curb construction, location and width of sidewalks, and locations and size of utility mains as applicable.

J. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants as applicable.

K. Street lighting facilities as applicable.

L. Certification of the surveyor or engineer certifying to the accuracy of the survey and plat.

M. Evidence that any required performance guarantee has been deposited with the Borough, when the developer has selected this option; or that all improvements are in place and complete. (See §406)

N. Evidence that all plans are in conformity with all applicable State, County and Borough regulations. In any instances where such plans do not conform, evidence shall be presented that an exception has been officially authorized.

(Ord. 44, 2/17/1976, §404)

§405. Final Plans; Procedures. The following procedures shall be followed in the submission and processing of final plans for proposed subdivisions and land developments:

1. The developer shall submit the required final plan documentation and fees to the Borough Secretary at least nine (9) days prior to a regularly scheduled meeting of the Planning Commission. The final plan submission may cover only a portion of the entire proposed subdivision or land development as shown on the approved preliminary plan. In such cases, the applicant shall submit a tentative schedule for the balance of the tract. The final plan submission requirements as set forth herein and procedures must be followed for each subsequent section prior to recording and sale or transfer of lots within such sections.

2. The filing, review and action upon the final plan shall proceed in accordance with §403(3 - 6), "Preliminary Plan; Procedures," herein. All reviews and decisions shall be made within a ninety (90) day period. If a plan is rejected it must be resubmitted and the ninety (90) day period for review and approval starts from the day of re-submittal.

3. At the time of approval by the Borough Council, the original final plan drawings shall be made available for authentication and signing.

4. Original approved final plans for the subdivision of land not intended for development shall be clearly marked by the Planning Commission, "NOT APPROVED FOR DEVELOPMENT," and no permit shall be issued for the erection or placement thereon of any building or structure intended for human occupancy (residential or otherwise), nor shall any improvement under the jurisdiction of this Chapter be installed thereon, unless and until appropriate plans and related documents are submitted and approved in accordance with the requirements of this Chapter.

5. No changes, erasures, modifications, or revisions may be made on any final plan after having been formally approved by the Borough Council unless the plan is first resubmitted to the Borough and any adjustment to be considered is jointly approved and noted.

(Ord. 44, 2/17/1976, §405)

§406. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees

otherwise required by this Chapter, the developer may deposit with the Borough of Bonneauville financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

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

3. Without limitation as to other types of financial security which the Borough of Bonneauville may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

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

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the 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 of Bonneauville, upon the recommendation of the Borough engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the

Borough of Bonneauville 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 of Bonneauville and the applicant or developer. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough of Bonneauville and the applicant or developer.

8. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

9. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or stages 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.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, of 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, and the Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements 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 fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five (45) day period, the Borough Council 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, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of 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 the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

12. If water mains or sanitary sewer lines, or both, along with

apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

13. 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 of Bonneauville shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement 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 upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(Ord. 44, 2/17/1976, §; as amended by Ord. 69, 4/19/1994)

§407. Release from Improvement Bond.

1. When the developer has completed all of the necessary and appropriate 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. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough engineer to inspect all of the aforesaid improvements. 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 thirty (30) days after receipt by the Borough engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. The Borough Council shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.

3. If the Borough Council or the Borough engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

4. If any portion of the said improvements 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 outlined herein, shall be followed.

5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough engineer.

6. Where herein reference is made to the Borough engineer, he shall be as a consultant thereto.

7. The applicant or developer shall reimburse the Borough of Bonneauville for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Borough of Bonneauville that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

B. If, within twenty (20) days from the date of billing, the Borough of Bonneauville and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (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 of Bonneauville and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough of Bonneauville is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough of Bonneauville or the applicant within the preceding five (5) years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand ($1,000) dollars or more, the Borough of Bonneauville shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

(Ord. 44, 2/17/1976; as amended by Ord. 69, 4/19/1994)

§408. Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, a and not for any other Borough purpose. (Ord. 44, 2/17/1976, §6; as amended by Ord. 69, 4/19/1994)

§409. Recording Plats and Deeds.

1. Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval record such plat in the office of the recorder of deeds of the county in which the Borough of Bonneauville is located. The recorder of deeds shall not accept any plat for recording unless such plat officially notes the approval of the Borough Council, and review by the county planning agency.

2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 44, 2/17/1976, §407; as amended by Ord. 69, 4/19/1994)

§410. Effect of Plat Approval on Official Map. After a plat has been approved and recorded as provided in this Chapter, all streets and public grounds on such plat shall be, and become a part of the official map of the Borough of Bonneauville without public hearing. (Ord. 69, 4/19/1994)

§411. Effect of Change in This Chapter. Changes in this Chapter shall affect plats as follows:

1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment

of this Chapter, zoning or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Chapter, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

3. Where final approval is preceded by preliminary approval, the aforesaid five (5) -year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

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

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

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

tions shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

7. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this Chapter, zoning, and other governing ordinance enacted by the Borough of Bonneauville subsequent to the date of the initial preliminary plan submission.

(Ord. 44, 2/17/1976; as amended by Ord. 69, 4/19/1994)

§412. Conditions of Acceptance. No right-of-way, easement, public grounds, street or other public improvement shall be accepted by the Borough, authority, utility or other public entity until such has been provided and/or installed and approved in accordance with the provisions of this Chapter. (Ord. 44, 2/17/1976, §409)

§413. Fees. At the time of submission of plans for review and approval, the developer shall pay to the Borough the fees as set forth in the Borough Resolution establishing fee schedules. (A copy is on file in the Borough Building.) (Ord. 44, 2/17/1976, §410)

§414. Review Fees.

1. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or engineer for review and report to the Borough of Bonneauville, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough of Bonneauville when fees are not reimbursed or otherwise imposed on applicants.

2. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Borough of Bonneauville 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.

3. In the event that the Borough of Bonneauville and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough 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.

(Ord. 69, 4/19/1994)

Part 5

Design Standards and Required Improvements

§500. General.

1. Suitability of Land. Land subject to hazards to life, health, or property as may arise from fire, floods, severe storm water runoff, disease or other dangers shall not be subdivided for development or developed for purposes susceptible to such hazards unless they have been eliminated or the subdivision or land development program provides for adequate safeguards against such.

2. Physiography Considerations. The standards of this Chapter may be increased, or the modification of the design of a proposed subdivision or land development may be required, on the recommendation of the Municipal Engineer and/or the Municipal Planning Consultant, when such is deemed necessary as a result of topographic and other natural or man-made physical features within or adjoining a particular site to assure public safety, health and welfare; the provision of public services; and the maintenance of public facilities.

3. Natural and Historic Features. Every measure shall be taken to insure insofar as possible, the preservation of natural and historic features, areas and structures determined to be worthy of such preservation by the Planning Commission and to insure public access to such where appropriate.

4. Coordination of Development. The design of proposed subdivision and land developments shall be coordinated with existing nearby development and physiography so that the entire area may be developed harmoniously.

5. Conformance. The design of proposed subdivisions and land developments shall conform to applicable Borough and County comprehensive plan elements; applicable development regulation, or official map; and to any applicable regulation of the Commonwealth of Pennsylvania.

(Ord. 44, 2/17/1976, §500)

§501. Blocks and Lots.

1. General Layout.

A. In general the lengths, depths, and shapes of blocks and lots must be determined with regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes, dimensions, yards and other open areas shall be followed. [Ord. 69]

(3) Needs for convenient access, circulation, control, and safety of street traffic.

(4) Limitations and opportunities of topography.

(a) Normally, block length may not exceed one thousand six hundred (1,600) feet nor be less than five hundred (500)

feet. In blocks exceeding one thousand two hundred (1,200) feet in length, a pedestrian crosswalk having minimum easement width of twenty (20) feet and an all-weather surface at least five (5) feet wide, may be required.

(b) Blocks shall be wide enough for two (2) tiers of lots except where reverse frontage lots are necessary and in the case of "cluster" layouts. Unless otherwise completely impractical, block widths shall not be less than two hundred fifty (250) feet measured between street rights-of-way or other boundary lines.

B. In nonresidential areas, the block and lot layout must be designed with consideration of site conditions:

(1) To permit the most efficient arrangement of space for present use and future expansion.

(2) To permit adequate, safe worker and patron access, circulation and parking as well as loading and unloading.

2. Access. Every lot shall abut a street and the width of the lot at the street shall not be less than twenty (20) feet.

3. Through Lots. Double frontage lots shall not be permitted. However where desired along limited access and other arterial highways, lots may face on an interior street and back on such thoroughfares to which direct access is not and shall not be permitted.

4. Lot Lines. Lot lines shall be approximately at right angles or radial to the street line so long as reasonably shaped lots result.

5. Corner Lots. Corner lots shall be proportionally larger than other lots in order to meet required building setbacks from both streets and such shall be provided with radius corners or diagonal cutoffs substantially concentric with or parallel to the chord of the required cartway radius corners.

6. Lot Area. Lot descriptions may read to street center lines, however lot areas as used herein shall not include any area within street right-of-way lines.

7. Building Setback Lines. The building setback lines shall conform to the requirements of the Borough Zoning Ordinance [Chapter 27]. In lieu of a Zoning Ordinance no building line shall be less than fifty (50) feet from the centerline of any existing street. The straight alignment of dwellings along established minimum setback lines is not recommended, therefore, varying setbacks shall be encouraged.

A. Additional minimum setback lines (measured from centerlines) are:

(1) Minor Streets - 45 feet
(2) Marginal Access - 40 feet
(3) Cul-de-Sac - 40 feet
(4) Service Drives (Alleys) - 25 feet

8. Street Address. Address numbers, when applicable, shall be assigned to each lot by the postal authority.

(Ord. 44, 2/17/1976, §501; as amended by Ord. 69, 4/19/1994)

§502. Streets, Curbs and Sidewalks.

1. Street Design Requirements.

A. General.

(1) Proposed streets shall be planned with regard to topographic conditions (diagonally across contours where slopes are steep); public safety and convenience in terms of vehicular and pedestrian movement, maintenance, and fire protection; probable traffic volumes; and existing and proposed uses of land on abutting properties.

(2) The proposed street system shall extend existing or recorded streets at the same width, but only to prevent isolating of unplatted land (land-locking), but in no case at less than the required minimum width.

(3) Where, in the opinion of the Planning Commission or Borough Council, it is necessary to prevent "land-locking" of unplatted land, streets shall be extended by dedication to the boundary of such land.

(4) New minor streets shall be so designed as to discourage through traffic, but the developer shall give adequate consideration to provisions for the extension and continuation of major and collector streets into and from adjoining properties.

(5) Where a subdivision or land development abuts or is traversed by an existing street of improper width or alignment, the dedication of land sufficient to widen the street or correct the alignment may be required.

(6) Private streets shall not be considered for acceptance as public rights-of-way at any point in time, unless they meet all design and construction requirements of the Borough.

(7) Whenever the proposed subdivision or land development contains or is adjacent to an arterial 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 used to protect public health, welfare and safety.

(8) Where the lots in a subdivision are large enough for re-subdivision, or where a portion of the tract is not subdivided, access to these areas shall be provided and such access shall be a part of the lot or potentially suitable for acceptance as a Borough road.

(9) Proposed streets which are aligned with existing streets shall bear the name of the existing street. In the event a proposed street is not aligned with an existing street, it shall not bear a name similar to any existing street located within the Municipality and/or the same postal service area, irrespective of the suffix "street," "avenue," "boulevard," "drive," "place," "court," etc.

(10) Dead-end streets shall be prohibited, except when designed and constructed as permanent cul-de-sac streets, or as stubs to permit future street extension into adjoining tracts (in such cases, a temporary turnaround having at least a stabilized surface and an outside diameter of eighty (80) feet shall be provided). If only a right-of-way is identified for possible street extension, area for temporary turn-around is not required.

(11) Half or partial streets are permitted only where needed to complete existing half streets.

(12) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited. Street jogs should be avoided unless no other solution can be found.

(13) Reserve strips, including those controlling access to streets, are prohibited except along legal limited access thoroughfares or along other arterial streets when approved by the Borough.

(14) Design standards for arterial and collector streets are to be determined after consultation with the Pennsylvania Department of Transportation. In any case, the design criteria for such streets shall not be less than as required herein for collector streets.

(15) As-Built Drawings. When all improvements required under this §502 are complete, the developer, owner, contractor etc., shall be responsible for providing to the Borough Council complete plans showing the location of all improvements.

B. Street Design Standards.

Street Type	Collectors*	Minor Streets	Cul-De-Sacs	Marginal Access	Service Drives
Minimum Right-of-Way Width	60'	50'	50'	35-60'	22'
Minimum Pavement Width	36'	36' (c) 22' (nc)	30' (c) 22' (nc)	26' (c) 22' (nc)	18-22'
Maximum Grade	7%[3]	10%[4]	10%[4]	10%[4]	10%[4]
Minimum Grade	.5%	.5%	0.75%	0.75%	0.75%
Minimum Radius of Curve At Center Line[1]	300'	150'	100'	100'	---
Minimum Tangent Length Between Curves	100'	---	---	---	---
Minimum Stopping Sight Distance	275'	200'	200'	---	---

(1) Where street lines deflect from each other more than 10 degrees.

(2) Cul-de-sac streets may not exceed 1,500 feet in length, however, a cul-de-sac shall not serve more than 50 units. They must be provided with a paved turn-around with a minimum diameter of eighty (80) feet to the outside edge of pavement and one hundred (100) feet to the right-of-way.

(c) Minimum width where curbs are to be installed. Minimum width where curbs are not to be installed.

(3) May be increased by 1% for grades not more than 300' long.

(4) May be increased by 2% for grades not more than 150' long.

* Subject to PennDOT review and concurrence.

C. Intersection Design Standard.

Type Intersection	Arterial* With Collector	Collector With Collector	Collector With Minor	Minor With Minor
Maximum Number of Intersecting Streets At Each Junction.	2	2	2	2
Minimum Center Line Offset At Intersections.	400'	25D'	125'	125'
Angle of Intersection Of Street Center Lines.	90°	90°	(Shall not deviate more than 15" from perpendicular)	
Length and Grade of Approaches to Intersections Where General Grade Is More than 4%	100'/4%	75'/4%	75'/4%	50'/4%
	(Measured from the Intersecting Cartway Lines)			
Minimum Radius Of Curbs.	35'	30°	25'	20'
Minimum Intersection Sight Distance Along Center Line	220'	130'	130'	130'
	(Measured from Point of centerline intersection each way)			
Intersection Clear Sight Triangle - Ea. Center Line Leg.	150'	75'	75'	75'

* Subject to PennDOT review and concurrence.

D. Street Surfacing. Streets must be surfaced to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the developer and approved by the Borough. Before paving the street the developer must install required utilities and provide, where necessary, adequate sub-surface drainage for the streets. The pavement base and wearing surface must be constructed according to Borough standards and specifications.

E. Curbs. Vertical curbs shall be installed as follows:

(1) In subdivisions which have a lot width of one hundred (100) feet or less at the building line.

(2) In all subdivisions or developments involving dwellings of a type other than single-family.

(3) In all other subdivisions or developments unless such are determined to be unnecessary by the Borough.

(4) On minor streets curbs shall be (1) formed concrete or, (2) extruded concrete placed by a curbing machine in accordance with Borough specifications. On collector and arterial streets curbs shall be concrete or as specified by PennDOT.

(5) Rolled curbs or combined curb and gutter may be used only when approved by Borough Council.

F. Gutters. In areas where curbing is not required, stabilized shoulders at least six (6) feet in width shall be provided. Paved or stabilized gutters may also be required to control water runoff and avoid erosion.

G. Sidewalks. Sidewalks at least four (4) feet in width, constructed in accordance with Borough specifications, shall be installed. When situated adjacent to any curb the sidewalk shall be at least five (5) feet in width:

(1) In subdivisions which have a lot width of eighty (80) feet or less at the building line.

(2) In all subdivisions or developments involving dwellings of a type other than single-family.

(3) Where the continuation of existing sidewalks would be deemed necessary by Borough Council to provide for public safety.

(4) To provide access to community facilities and elsewhere as deemed necessary by the Borough Council.

(5) Sidewalks along streets without curbs, shall be located within the street right-of-way, one (1) foot from the right-of-way line or adjoining property line, and in all cases shall be separated from a cartway by a planting strip.

(6) Concrete sidewalks shall be to line and grade as shown on approved plan. Must be at least four (4) inches thick laid on a prepared and compacted subgrade. Sidewalks (within road right-of-way) must be at least four (4) feet wide, (five (5) feet wide when adjacent to curb) scored in five (5) foot blocks with expansion joints generally every twenty (20) feet.

(7) Yard walks for public use (not necessarily within road right-of-way) may vary in width but must not be less than twenty-four (24) inches. This specification does not apply to private walks to front or rear of residence or as may be desired by the homeowner.

H. Street Signs and Lighting. Street name signs shall be placed at all intersections; and, when required by Borough Council, a street lighting system shall be installed. The design and location of signs and light fixtures shall be as approved by the Borough Council and the applicable utility company.

(Ord. 44, 2/17/1976, §502)

§503. Utilities.

1. Water Distribution.

A. The subdivision or land development shall be provided with a complete water distribution system which shall be connected to a municipal water system, or with a community water system approved by the engineer of the applicable water utility company and the Pennsylvania Department of Environmental Resources with satisfactory provision for the maintenance thereof, except that when such municipal or community water system is not available, the land development or each lot in the subdivision shall be provided with an individual water distribution system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.

B. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. [Ord. 69]

C. Fire hydrants shall be installed as an integral part of any common water system; placed not greater than eight hundred (800) feet apart.

D. The plans for the installation of the mains of a water distribution system shall be prepared with the cooperation of the applicable water supply agency, and approved by its engineer. A statement of approval from the engineer of the water agency shall be submitted to the Commission. Upon the completion of the water distribution system, one (1) copy each of the plans for such system shall be filed with the Borough. The plan shall be reviewed and approved by the Department of Environmental Resources.

E. If a public water distribution system exists or is planned within one thousand (1,000) feet of a proposed development, the developer shall be required to install a complete water system ready for connection to the public supply when extended. At the discretion of the Borough Council the developer may be required to install a

water distribution system regardless of distance to the nearest existing system.

F. Following the installation of the water distribution, the developer shall provide as-built drawings to the Borough showing location and depth of all water lines, valves, laterals and appurtenances.

2. Sanitary Sewerage.

A. All subdivisions must be provided with sanitary sewage disposal facilities as follows:

(1) Where there is an existing public sanitary sewer system on or within one thousand (1,000) feet of the subdivision, a complete sanitary sewer collection system must be installed and connected to existing public sanitary sewer systems; or

(2) Where there is no existing public sanitary sewer system within one thousand (1,000) feet of the subdivision but a public sanitary sewer system is to be installed on or within one thousand (1,000) feet of the subdivision within a period of five (5) years from the approval of the plan and, where based upon the recommendation of the sanitary engineer for the appropriate sewerage authority, it is deemed feasible, a complete sanitary sewage collection system must be installed, and

(a) Connected to a community treatment plant, until connection to a public sanitary sewer system is made, or

(b) Capped until connection to a public sanitary sewer system can be made with acceptable private on-lot sewage disposal systems provided, or

(3) Where there is no existing public sanitary sewer system, approved on-site sewage systems shall be provided for in the form of either individual subsurface septic systems, or a community sanitary sewerage system and treatment plant, approved by the Pennsylvania Department of Environmental Resources.

(4) The capped sewer system shall include a collective main installed in a street bed or approved right-of-way, of material and design approved by the Borough and shall conform in all respects to the standards and requirements published in the sewerage manual by the Department of Environmental Resources. Lateral lines shall be installed from the collective main to the building line of material and design approved by the Borough. The sewerage collective mains and laterals shall be plugged water tight pending connection with a public sewer system.

(5) Following the construction of the sewer collection system, the subdivider shall provide the Borough with "as-built" plans prepared by a registered professional engineer or registered professional surveyor showing the size, location, length and depth of all lines including house lateral locations. All descriptions are to include bearings and distances.

B. Complete plans for any sewer system shall be provided to the Borough Engineer by the developer and shall be designed to coordinate

with the feasibility study, or the comprehensive sewage treatment plan of the Borough, which is in effect at the time that the developer submits his plan for approval.

C. If on-site subsurface sewerage disposal systems are not feasible, connection to a public sanitary sewer system or installation of a community sanitary sewer system must be made prior to the development of the subdivision.

D. Upon showing a proper cause, the Borough Council, at an open meeting, may modify, alter or suspend the requirements made in §503(2)(A)(2)(b) and §503(2)(A)(4).

3. Stormwater Drainage.

A. Storm Sewers. Storm sewers separate from any sanitary sewer system shall be installed when, in the opinion of the Planning Commission, such is deemed necessary to provide proper drainage for the subdivision or land development with such system subject to the approval of the Commission and Borough Council. When adequate existing storm sewers are readily accessible, the developer shall connect his stormwater facilities to such existing sewers, subject to the approval of the authority having jurisdiction over the existing system.

B. Open Drainage Ways.

(1) All existing streams, stream beds, and drainage ways shall be protected and perpetuated to serve as the major storm water system of the Borough.

(2) When open drainage ways are furnished for the collection and/or disposal of storm water, the Borough shall review the capacity of such in relation to adequacy, safety, erosion and stagnation.

(3) Prior written agreements shall be obtained by the developer, for any drainage ways (or storm sewers) which are to discharge upon or across another property, from the affected adjoining owners.

(4) Easements of sufficient width shall be established for any drainage way not located within a public right-of-way. Such easement shall not be less than twenty (20) feet.

4. Utility Line Installation. Where feasible and always in planned developments and/or subdivisions of five (5) or more lots or dwelling units, and as determined by the Commission after consultation with the developer and the appropriate utility companies, electric, telephone and television transmission lines shall be placed underground. Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

5. Utility Easements.

A. Width; Location. When easements are required for any utility serving a subdivision or land development, they must be a minimum of twenty (20) feet wide and must, to the fullest extent possible, be adjacent to, or centered on, rear or side lot lines.

B. Natural Gas Lines. All natural gas lines must be installed in compliance with the ASA Code B31, 80 1958, as amended. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.

C. Petroleum Lines. Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of one hundred (100) feet measured in the shortest distance.

(Ord. 44, 2/17/1976, §503; as amended by Ord. 69, 4/19/1994)

§504. Monuments and Markers.

1. Material and Size. Monuments and markers shall be constructed as follows:

	Construction	Minimum Size
Monument	Concrete or Stone	4" x 4" x 36"
Marker	Iron Pipes or Iron or Steel Bars	24" x 3/4" dia.

2. Placement; Marking. 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 surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

3. Monuments, Location of. Monuments must be set at:

A. One (1) corner of a lot comprising a single lot subdivision, or at one (1) predominant intersection of a street and a property line of a lot in a subdivision comprised of not more than five (5) contiguous lots or parcels.

B. At least three (3) predominant line intersections or line angles in subdivisions of more than five (5) lots or parcels, and in any land development program. When any program of development and/or subdivision encompasses more than twenty (20) acres, the Borough Council and/or the Borough Engineer may require additional monuments at designated points.

C. Such other points as may be required by the Borough Engineer and Borough Council when unusual conditions may create sight problems or cause unusual deviation from normal surveying practice.

4. Markers, Location of. Markers must be set:

A. At the beginning and ending of curves along street property lines if not monumented.

B. At points where lot lines intersect curves either front or rear.

C. At angles in property lines of lots.

D. At all other lot corners.

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.

(Ord. 44, 2/17/1976, §504)

§505. Public Grounds and Open Space.

1. Reservations. Subdivision and land development plans shall provide for the reservation of any public grounds shown on the County or Borough Comprehensive Plan and/or official map situated within the area to be subdivided or developed. However, such reservation shall lapse one (1) year after the landowner has submitted a written notice and/or formal application indicating his intentions to subdivide or develop the land covered by the reservation, unless the Borough Council or such other entity for which the land is reserved shall have acquired, entered into an agreement to acquire, or begun legal proceedings to acquire such property.

2. Recreation Areas. Every proposed residential subdivision or land development to accommodate more than ten (10) dwelling units is required to provide open space for the common recreational use of the residents thereof. The size of lots or area per dwelling unit required by the Borough Zoning Ordinance [Chapter 27] may be reduced by five percent (5%) when such land is provided in addition to the following: [Ord. 69]

Size of Development (in lots or mobile home stands)	Recreation Area Reserved
1 through 5	-0-
6 through 20	½ Acre or 4% of Total Area whichever is greater.
21 through 50	1 Acre or 4% of Total Area whichever is greater.
51 through 100	2 Acres or 4% of Total Area whichever is greater.
Over 100	(To be negotiated but not less than 2 Acres)

A. The land provided must be of suitable size, dimension, topography, access, and general character for the type of recreational use deemed appropriate to the needs of the development as determined by the Planning Commission and Borough Council.

B. The developer shall arrange for the perpetuation and grounds maintenance of any such recreation area, or shall offer same by dedication to the Borough and shall provide evidence of such dedication to the Planning Commission with the final plan.

3. Open Space. In the case of cluster developments, no less than fifteen percent (15%) of the total land area shall be devoted to recreational use and common open space. This land may be under the jurisdiction of a civic organization or citizen cooperative; or may be dedicated for public use. If such dedication is not accepted for public use by the Borough Council within a period of one (1) year after the formal offer, the

land may revert to the developer and may be used for other purposes including residential lots.

(Ord. 44, 2/17/1976, §505; as amended by Ord. 69, 4/19/1994)

§506. Erosion and Sediment Control. Effective soil conservation measures shall be planned and implemented in accordance with the rules and regulations relating to erosion control (Title 25, Chapter 102 or as hereafter amended) of the Pennsylvania Department of Environmental Resources.

1. Standards.

A. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until an Erosion and Sedimentation Control Plan has been processed through DER and/or SCS, and reviewed by the Municipal Planning Commission; or a determination is made by the Commission that such plans are on file with and have been approved by the Department of Environmental Resources and/or the Soil Conservation Service.

B. No subdivision or land development plan shall be approved unless there has been a plan approved that provides for minimizing erosion and sedimentation consistent with Title 25, Chapter 102, Rules and Regulations of the Department of Environmental Resources, or as hereafter amended.

2. Responsibilities.

A. Whenever sedimentation results from stripping vegetation, regrading, or other activity, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

B. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until accepted by the municipality or other official agency, which accepts responsibility thereafter.

C. It is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the flood plain or right-of-way thereof, to maintain said facility in its present state during all activity and to return it to its original condition after activity is completed.

D. Maintenance of drainage facilities or watercourses originating and remaining on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

E. No entity shall undertake any activity affecting any communal stream or watercourse without having obtained approval from the municipality or Department of Environmental Resources or both.

F. Where a subdivision or development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage but normally not less than twenty (20) feet.

G. Any person, corporation, or other entity making any surface changes shall be required to:

(1) Collect on-site surface runoff and dispose of it into the common natural watercourse of the drainage area.

(2) Handle all runoff through the development by designing to adequately handle storm runoff from any developed area.

(3) Pay a proportionate share of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.

(4) Provide and install all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.

(Ord. 44, 2/17/1976, §506)

§507. Site Planning Requirements.

1. Accessibility. Generally, the development of sites not located on a public thoroughfare of sufficient width and alignment in respect to the traffic to be generated is discouraged. When proposed subdivisions or land developments are not located directly upon an adequate thoroughfare, the developer may be required to participate with the Borough, through negotiation, in the improvement of the service road between the site and the nearest adequate thoroughfare as a condition precedent to final plan approval.

2. Grading. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

A. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Commission and Borough Council.

B. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural water course. Where drainage swales are used to divert surface waters away from buildings, they shall be paved, sodded or planted and shall be of such slope, shape and size as to conform with the requirements of the Borough.

C. Concentration of surface water runoff shall only be permitted in swales or watercourses that lead to a natural watercourse or drainage structure.

D. Excavations and Fills.

(1) Cut and fill slopes shall not be steeper than two to one (2:1) unless stabilized by a retaining wall or cribbing except as approved by the Municipal Engineer when handled under special conditions.

(2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(3) Cut and fills shall not endanger adjoining property.

(4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

(5) Fills shall not encroach on natural watercourses or construction channels.

(6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

E. Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Borough and the affected landowner.

F. During grading operations, necessary measures for dust control will be exercised.

G. Top soil shall be preserved and redistributed as cover and shall be expeditiously planted with perennial grasses or ground cover.

H. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent near trees shall be provided as necessary to give reasonable assurance of their continued healthy growth.

I. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges. Emergency crossing may be permitted through permission of DER.

3. Pedestrian Circulation.

A. Pedestrian walkways shall be physically separated from all streets and, insofar as possible, from vehicle circulation ways within non-residential developments.

B. Parking lots shall be designed so as to minimize the necessity for pedestrians to walk within and across vehicle circulation ways.

C. Commercial developments should be designed so as to allow pedestrians to browse and pause in areas removed or otherwise protected from vehicular circulation and parking areas.

D. Insofar as possible, common open areas and other residential service areas shall be located at the interior of dwelling sites to minimize the necessity for pedestrians to cross streets.

4. Signs. Moderation in respect to the style, size and frequency of signs is recommended. (See Municipal Zoning Regulations [Chapter 27].)

5. Storage Areas.

A. Outdoor storage areas of any type should be located to the rear of structures and should be screened by natural vegetation or fencing.

B. In group developments, it is recommended that remote, screened storage areas be provided for items infrequently used such as recreation vehicles.

6. Structure Orientation.

A. Structure sites should be grouped whenever possible as such provides larger, more usable open space without decreasing the overall density of development.

B. When more than one (1) principal structure is to be erected on a tract or parcel of land, the following spaces shall be guidelines for structure to structure relationship:

(See Note)	1 Dwelling Unit Per Structure	2 Dwelling Units Per Structure	From 3 to 12 Dwelling Units Per Structure	From 13 to 18 Dwelling Units Per Structure	Over 18 Dwelling Units Per Structure
F to F	55'	55'	55'	70'	75'
F to E	35'	35'	40'	50'	55'
F to R	50'	55'	55'	60'	65'
E to R	30'	30'	35'	35'	40'
E to E	20'	25'	30'	35'	40'
R to R	50'	55'	55'	55'	60'

NOTE: F = Front
E = End
R = Rear

C. The spacing chart reflects one (1) and two (2) story structures. When a structure is planned and/or designed for three (3) or more stories, the space shall be increased four (4) feet for each story in excess of two (2).

D. When structures are planned to be obliquely aligned, the required space may be reduced at one (1) end if the space at the other end is increased by at least the same amount. Nevertheless, the corner to corner distance shall not be less than twelve (12) feet.

E. Extra building setbacks are recommended at all street intersections in order to increase sight distances and to make the presence of an intersection more apparent.

F. Insofar as possible commercial structures should be relatively central in respect to their parking areas in order to minimize required walking distance for safety and convenience. (Protected pedestrian accessways shall be provided in commercial developments adjacent to residential neighborhoods.)

7. Vegetation.

A. Conservation. Development shall be planned so as to minimize the removal of existing trees, shrubs and ground cover and to minimize the amount of land covered by structures and paving.

B. Noise Control. Street trees along arterial and collector streets in residential areas are recommended to absorb traffic noise.

C. Screening. Wherever natural screening is being provided to meet a screening requirement of this Chapter or the Borough Zoning Ordinance [Chapter 27], such shall consist of fifty percent (50%) evergreen or evergreen type hedges and fifty percent (50%) shrubs inter-planted and of a variety and size at the time of planting that such will attain a height of at least six (6) feet within three (3) years thereafter and spaced at intervals of not more than four (4) feet. When additional height is deemed necessary, a row of trees planted at intervals of not more than forty (40) feet on center shall be provided. Furthermore, subdivision and land development plans shall provide such screening:

(1) Where commercial or industrial uses abut residential uses.

(2) Where residential uses abut any railroad or limited access highway, or any other arterial highway in the case of reverse frontage or where marginal or rear access is provided.

(3) Around all open sides of any common utility yard and any outdoor equipment or refuse storage area in group residential developments.

(4) Elsewhere as deemed necessary by the Planning Commission.

D. Windbreaks. The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.

E. Street Trees. Street trees of a caliper not less than one and one-half (1½) inches shall be planted forty (40) to sixty (60) feet apart. The location of street trees shall be as deemed appropriate by the Planning Commission but in no case shall be planted less than four (4) feet from any curb, edge of shoulder or sidewalk. The provision of street trees may be waived where, in the opinion of the Planning Commission, sufficient trees exist and will remain. In no circumstances will any of the following trees be permitted either to remain or to be planted as street trees:

(1) Poplars; all varieties.
(2) Willows; all varieties.
(3) White or Silver Maple (Acer Saccharinum).
(4) Aspen; all varieties.
(5) Common Black Locust.

F. Buffer Strips - Unless greater width is required in specific areas, buffer strips shall be not less than fifteen (15) feet wide. Plants and screens may be placed over part or all of the buffer strips.

G. Obstructions to Vision. No bushes or shrubs exceeding thirty (30) inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within any required clear sight triangle nor within ten (10) feet of the right-of-way line adjacent to access drives; and all street trees shall be kept free of branches and foliage from the ground level to a height of at least six (6) feet.

8. Vehicle Provisions.

A. Access Drives. Whenever required and/or provided under the provisions of this Chapter or the Borough Zoning Ordinance [Chapter 27], all access drives shall be designed according to the following standards:

(1) Except in the case of single and two-family dwellings, the general layout shall be such that there will be no need for motorists to back into public rights-of-way.

(2) Access drives for commercial and industrial uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb radii.

(3) The number of access drives shall not exceed two (2) per lot on any one (1) street frontage. The Borough Council, on the advice of the Planning Commission, may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

(4) Access drives shall not cross the street right-of-way lines:

(a) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. When deemed reasonably necessary for safety by the Planning Commission, this dimension shall be increased for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets when practical, in a manner to permit safe ingress and egress.

(b) Within ten (10) feet of a fire hydrant, catch basin or drain inlet.

(c) Within forty (40) feet of another access drive.

(d) Within three (3) feet of a property line unless two (2) adjoining owners mutually agree to a common access drive.

(e) Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading, and service areas on all properties used for purposes other than single-family residences shall be

physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip.

(f) General Safety Requirement; Sight Distance. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.

B. Parking Facilities. Whenever required and/or provided under the provisions of this Chapter or the Borough Zoning Ordinance [Chapter 27], all off-street parking facilities shall be designed according to the following standards:

(1) Size. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of gross parking area for each motor vehicle, including interior driveways, driveways connecting the garage or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The parking space per vehicle shall be not less than nine (9) feet wide and twenty (20) feet long. Such outdoor space shall be deemed to be part of the open space of the lot on which it is located.

(2) Surfacing. In commercial and industrial uses, any off-street parking area, service or access drive shall be graded for proper drainage and shall be stabilized sufficiently to accommodate the anticipated traffic and shall be so arranged as to provide for orderly and safe parking and storage of self-propelled vehicles. The surface shall be dust free and capable of providing service all year and under any weather conditions.

(3) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining residential use premises as well as from vehicles moving upon a public thoroughfare.

C. Off-Street Loading and Unloading Facilities. Whenever required and/or provided under the provisions of this Chapter or the Borough Zoning Ordinance [Chapter 27], all off-street loading and unloading facilities shall be designed according to the following standards:

(1) Size. The minimum size of a loading and unloading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.

(2) Surfacing and Lighting. (As per §507(8)(B) above.)

(Ord. 44, 2/17/1976, §507)

Part 6

Mobile Home Parks

§600. Purpose. To establish minimum standards for mobile home parks; establish requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities. (Ord. 44, 2/17/1976, §600)

§601. Permits and License.

1. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Municipality unless he holds a valid permit issued by the Department of Environmental Resources in the name of such person and also a license issued by the Borough hereunder. (See §604 hereof)

2. All applications when necessary for review and approvals shall be made by the owner to the State Department of Environmental Resources, Department of Labor and Industry, Department of Transportation, etc., when applicable.

(Ord. 44, 2/17/1976, §601)

§602. Submission of Plans and Specifications to the Borough.

1. Any person, firm or corporation, from and after the passage of this Chapter, who proposes to operate or maintain any premises, area or tract or piece of land for use as a mobile home park shall first submit to the Borough Planning Commission a plan for the layout and design thereof, including a legal description and map clearly setting forth the following information:

A. Name and address of applicant, and developer when other than the applicant.

B. Interest of the applicant in the mobile home park.

C. Location and legal description of the mobile home park.

D. A sketch plan shall be presented to the Planning Commission for review and comment prior to preparing any final plans to accompany an application.

(1) The sketch plan may be free hand superimposed on a plot plan of the property to be used for the mobile home park. The sketch shall indicate general topography, locations for mobile homes or groups thereof; accessory buildings; accesses, circulation and parking areas.

E. Complete design, engineering plans and specifications of the proposed park showing:

(1) See Part 4, §§402, 403 and 404 of this Chapter.

(2) See Part 5 for Design Standards.

(Ord. 44, 2/17/1976, §602)

§603. Fees. A fee, as established by resolution of Borough Council, shall accompany all applications for the approval of all mobile home park plans. (Ord. 44, 2/17/1976, §603; as amended by Ord. 69, 4/19/1994)

604. Licenses.

1. It shall be unlawful for any person to operate any mobile home park within the limits of the Borough unless he holds a valid license, in the name of such person, for the specific mobile home park. All applications for licenses shall be made annually to the Borough who shall issue or re-issue a license annually upon compliance by the applicant with provisions of this Chapter and regulations issued hereunder and other applicable legal requirements.

2. Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee, as established by resolution of Borough Council, for each mobile home stand, and shall contain: the name and address of the applicant; the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways, and service facilities. The issuance of a license in no way eliminates the need for a building permit, and the cost thereof, for each and every individual mobile home to be placed within the mobile home park. [Ord. 69]

3. Applications for annual renewal of licenses shall: (1) be made in writing by the holders of the licenses; (2) be accompanied by the deposit of a fee, as established by resolution of Council, for each mobile home stand; and (3) contain any change in the information submitted since the original license was issued or the latest renewal granted. [Ord. 69]

4. Whenever, upon inspection of any mobile home park, the inspector finds that conditions or practices exist which are in violation of any provision of this Chapter or regulations issued hereunder, the inspector shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time as specified in the notice, the license shall be suspended. At the end of such period the inspector shall re-inspect the mobile home park and, if such conditions or practices have not been corrected, the license shall be suspended and notice given in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park,

5. A license shall be required and shall be issued by the Borough Council for every mobile home park in existence at the effective date of this Chapter, permitting the mobile home park to be operated after the effective date of this Chapter in accordance with such conditions as the Council may require.

A. The fee for a license to continue to operate a mobile home park existing at the effective date of this Chapter shall be calculated as follows:

(1) Should the effective date of this Chapter fall between the dates of December 31 and March 1 a fee for a license shall be charged as set forth under §604(2) hereof.

(2) Should the effective date of this Chapter fall on or between March 1 and November 30 a fee equal to one-half (1/2) of the fee established, (See §604(2)) shall be charged for a license.

(3) Should the effective date of this Chapter fall between November 30 and January 1, no license will be required for that period; however a full license fee shall be required on or after January 1 of the succeeding year. (See §604(2) hereof)

B. Compliance herewith:

(1) The owner, operator and/or manager of a mobile home park existing at the effective date of this Chapter, is required to meet with the Borough Council and the Planning Commission, and to cooperatively identify the extent of conformance with these regulations that is possible within the existing mobile home park; and such conformance must be effectuated within one hundred eighty (180) calendar days of the date of such cooperative determination.

(2) Should any mobile home park existing at the effective date of this Chapter be discontinued for any reason for a period exceeding six (6) consecutive months, such mobile home park shall not be reopened, reused and/or reoccupied unless it is in full conformance with this Chapter.

(3) Any extension, enlargement and/or expansion of an existing mobile home park, whether on land owned by the park or acquired by the park prior to or after the effective date of this Chapter, will require the review, approval, and license by the Borough according to the provisions of this Chapter.

(Ord. 44, 2/17/1976, §604; as amended by Ord. 69, 4/19/1994)

§605. Inspection of Mobile Home Parks. The Borough is hereby authorized to make or cause to be made, such inspections as are necessary to determine satisfactory compliance with this Chapter and regulations issued hereunder. (Ord. 44, 2/17/1976, §605)

§606. Minimum Area Required for a Mobile Home Park The minimum area necessary for the construction of a mobile home park shall be five (5) contiguous acres. (Ord. 44, 2/17/1976, §606)

§607. Spacing Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet; provided that mobile homes placed end to end may have a clearance of fifteen (15) feet where opposing rear walls are staggered. (Ord. 44, 2/17/1976, §607)

§608. Required Recreation Areas. Where a proposed park, playground, school, easement or other public use shown in the Borough Comprehensive Plan or in the opinion of the Planning Commission is necessary, the Borough Council may require the reservation of such area within the mobile home park or land development in a reasonable manner. Such areas should in total approximate the areas as set forth under §505(2) hereof. (Ord. 44, 2/17/1976, §608)

§609. Required Setbacks, Buffer Strips and Screening.

1. All mobile homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway, and at least fifteen (15) feet from other park property boundary lines.

2. There shall be a minimum distance of fifteen (15) feet between an individual mobile home and (1) adjoining pavement of a park street, (2) adjoining recreation area, (3) parking area or (4) other common areas.

3. All mobile home parks located adjacent to industrial or commercial land use shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent non-residential uses. See §507(7) hereof for buffer strip planting and size.

4. In the event that mobile home parks are located in reference to municipal roads or rights-of-way intended to be dedicated as public roads, the following setbacks shall be required:

Front Yard -	Arterial Streets	- 50 feet from right-of-way line.
	Collector Street	- 30 feet from right-of-way line.
	Minor Streets	- 25 feet from right-of-way line.

(Ord. 44, 2/17/1976, §609)

§610. Park Street System.

1. General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

2. Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of twenty-six (26) feet, within which parking shall be prohibited. No mobile home will have direct access to a Borough street or highway.

3. Internal Streets. Surfaces of roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

A. Where parking is permitted on both sides, a minimum pavement width of thirty-six (36) feet is required.

B. A minimum road pavement width of twenty-eight (28) feet will be required where parking is limited to one (1) side, and twenty-two (22) feet when parking is prohibited.

C. Dead-end streets shall be provided at the closed end with a turn around having an outside roadway radius of at least sixty (60) feet.

4. Required Illumination of Park Street Systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night. Lights shall be shielded to minimize glare on adjacent properties.

5. Street Construction and Design Standards.

A. Pavement. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The pavement shall be constructed as set forth under this Chapter or as set forth by standards and specifications adopted by the Borough Council.

B. Design Standards. See Part 5 of this Chapter.

(Ord. 44, 2/17/1976, §610)

§611. Required Off-street Parking Areas.

1. Off-Street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) car spaces for each mobile home lot. Each space shall be a net of nine by twenty (9 x 20) feet (180 square feet) or a gross of nine by thirty (9 x 30) feet (270 square feet).

2. Required car parking spaces shall be so located as to provide convenient access to the mobile home but shall not exceed distance of two hundred (200) feet from the mobile home that it is intended to service.

3. Paving. A smooth, dense, solid and dust free surface capable of use throughout the year shall be provided.

(Ord. 44, 2/17/1976, §611)

§612. Mobile Home Stands. The area of the mobile home stand shall be improved to include an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, or rotation.

A. 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 "deadman" eye-lets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home, in accord with specifications as established by the Mobile Home Park Association.

C. Each mobile home stand shall have a paved patio of at least one hundred ninety (190) square feet. The least dimension shall not be less than eight (8) feet.

(Ord. 44, 2/17/1976, §612)

§613. Mobile Home Placement.

1. Each mobile home shall be supported by permanent masonry posts or pillars constructed upon footers set below the frost line and oriented to the frame of the mobile home so as to provide proper support. Anchors, tiedowns, etc. (see §612(B)), may be secured to the masonry support structures.

2. A complete enclosure shall be installed completely around the

perimeter of the mobile home extending from the bottom of the exterior walls to the ground line. A secure fitting of the enclosure material to the mobile home and to the ground shall be achieved in order to prevent the entry of rodents and other animals.

3. When a continuous masonry wall is not provided around the perimeter of the mobile home, then a concrete apron at least four (4) inches thick may be used; or any other approved noncombustible, water-resisting and rat-proof material of required strength, in accord with ANSI, A119.1, "An American National Standard" approved February 5, 1975, shall be installed around the entire perimeter of the mobile home.

(Ord. 44, 2/17/1976, §615)

§614. Size of Mobile Home Lots. A mobile home park shall have an average gross area per mobile home lot of not less than six thousand (6,000) square feet.

A. The minimum width of a mobile home lot shall be forty (40) feet.

B. The minimum depth of a mobile home lot shall be ninety (90) feet or at least forty percent (40%) longer than the mobile home to be placed thereon.

C. A mobile home park plan may propose clustering of the units in order to provide a common open space of a size to better serve all the residents of the park. In no circumstance, however, shall the average area of a mobile home lot be less than four thousand (4,000) square feet. In order to approve the "cluster plan" the Planning Commission shall apply the following test: The number of mobile home lots times the average area per mobile home but not less than four thousand (4000), plus the area of common open space in square feet, divided by the number of mobile home lots shall equal at least six thousand (6,000) square feet.

(Ord. 44, 2/17/1976, §614)

§615. Water Supply. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory water and supply is not available, a private water system shall be developed and used as approved by the Pennsylvania Department of Environmental Resources. (Ord. 44, 2/17/1976, §615)

§616. Sewage Collection and Disposal.

1. General Requirements. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with Borough regulations and the Pennsylvania Department of Environmental Resources.

2. Sewage Treatment and/or Discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Borough and Pennsylvania Department of Environmental Resources prior to construction.

(Ord. 44, 2/17/1976, §616)

§617. Electrical, Telephone, Television Cable and Other Distribution System.

1. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained underground in accordance with local electric power company's specifications regulating such systems.

2. Telephone and television cables and other distribution systems shall be installed underground in accordance with applicable standards of the utility or service company.

(Ord. 44, 2/17/1976, §617)

§618. 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 and shall comply with health regulations governing mobile home parks. Plans for refuse handling, storage and disposal shall be subject to review and approval by the Borough Council, Planning Commission, and Pennsylvania Department of Environmental Resources. (Ord. 44, 2/17/1976, §618)

619. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Resources regulations governing mobile home parks. (Ord. 44, 2/17/1976, §619)

§620. Fire Protection.

1. The mobile home park area shall be subject to all rules and regulations of the Borough, County and Commonwealth pertaining to fire prevention.

2. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

3. Portable fire extinguishers of a type approved by the area Fire Marshall shall be kept in public service buildings under park control.

(Ord. 44, 2/17/1976, §620)

§621. 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 Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park management shall supervise the placement of each mobile home on its mobile home stand which includes assurance of stability and installation of all utilities and connections.

3. The park management shall give the health officer and Borough Inspector free access to all mobile home lots, service buildings and other

community service facilities for the purpose of inspection.

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. The management shall notify the local health officer and the Pennsylvania Department of Environmental Resources immediately of any suspected communicable or contagious disease within the park.

6. The management shall certify at the time of license application or renewal that there are no commercial or other non-residential activities involved except those necessary to servicing and maintaining the park and welfare of the residents thereof.

(Ord. 44, 2/17/1976, §621)

§622. Notices and Orders. Whenever the Borough Council determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of any regulation adopted pursuant hereto, they shall proceed with enforcement as set forth in Part 9 of this Chapter. (Ord. 44, 2/17/1976, §622)

§623. Flood Hazard Areas. Conformance with regulations set forth under Part 8 hereof shall be required. (Ord. 44, 2/17/1976, §623)

Part 7

Recreation Vehicle Parks

§700. Definition. A recreation vehicle park shall be an area designed and developed to provide non-permanent storage and/or parking for recreation vehicles. The usual use of the facility would be overnight and weekends. However, a week or two (2) reflecting vacation periods and hunting seasons would also be planned uses. Some space could also be provided for placement of a vehicle for the entire spring and fall season to be used on weekends and/or vacations. (Ord. 44, 2/17/1976, §700)

§701. License. A license shall be required to operate a recreation vehicle park. The license shall be for one (1) year and must be renewed annually. The the license fee and annual renewal fee shall be as established, from time to time by resolution of Borough Council. (Ord. 44, 2/17/1976, §701; as amended by Ord. 69, 4/19/1994)

§702. Data For Approval. A complete plan for the park shall be submitted for review and approval by the Planning Commission and Borough Council and shall show at least the following:

1. The driveways, exits, entrances, and walks shall be clearly marked and surfaced with a permanent dust-free material. One-way traffic driveways shall be not less than twelve (12) feet wide and two-way traffic driveways shall not be less an twenty-two (22) feet wide.

2. An area of not less than two thousand four hundred (2,400) square feet shall be provided for each trailer coach.

3. The minimum width of each vehicle space shall be forty (40) feet.

4. The minimum depth of each vehicle space shall be not less than sixty (60) feet; or thirty percent (30%) longer than the length of the vehicle, whichever requirement is greater.

5. Each vehicle shall be located not less than twenty (20) feet from any building and not less than thirty (30) feet from a lot line bounding adjacent property.

6. Separate provision shall be made for parking on or adjacent to the vehicle space, or at a location removed from the vehicle space. There shall be one (1) such off-street parking space not less than ten (10) feet wide and twenty (20) feet long for each vehicle space in the park.

7. In addition to the off-street parking required in §702(6) above, there shall be additional off-street parking space required equal to one-half (1/2) the number of spaces provide.

8. The plan for any proposed recreation vehicle park development shall be presented to the Planning Commission for approval before any vehicle shall be permitted on the site.

9. Sewers. Plans for any and all sewers must be reviewed and approved by the Department of Environmental Resources before any Borough approval will be given. Each recreation vehicle park shall be provided with sewage disposal facilities. The proposed provisions for sewage shall be presented to the Planning Commission and the Municipal Engineer for

approval before any vehicle shall be permitted on the site. A collective sewerage type facility or an approved central facility may be provided.

10. Flood Hazard Areas. Compliance with all applicable sections of the Borough Zoning Ordinance [Chapter 27] shall be required, and conformance with regulations set forth herein under Part 8 shall be required.

(Ord. 44, 2/17/1976, §702)

Part 8

Flood Hazard Areas

§800. Purposes. The purpose of the flood hazard area is to promote the general health, safety and welfare of the community; to reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding; to minimize danger to public health by protecting water supply and natural drainage; and to promote responsible floodproofing measures within flood hazard areas. (Ord. 44, 2/17/1976, §800)

§801. Identification. The flood hazard area shall be as shown on an overlay to the Borough Zoning Map or a Map prepared by the Federal Insurance Administration of the U. S. Department of Housing and Urban Development and shall include those areas subject to inundation by flood waters of the one hundred (100) year frequency. The boundaries of the flood hazard may be revised or modified by the Borough Council where there are changes through natural or other causes, or where further detailed engineering studies or information indicate the need and provide the basis for such modification or revision. (Ord. 44, 2/17/1976, §801)

§802. Abrogation. This Part supersedes any regulation currently in effect in the flood hazard area. However, any existing regulations shall remain in full force and effect to the extent that they are more restrictive. (Ord. 44, 2/17/1976, §802)

§803. Specific Requirements.

1. General

A. The development and/or use of any land in the flood hazard area shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.

B. All first floor levels (including basements) in residential structures shall be constructed at an elevation of at least one (1) foot above the established flood elevation of the one hundred (100) year flood.

C. Non-residential structures, or parts thereof, may be below the established flood elevation of the one hundred (100) year flood provided the structures are designed to preclude and/or withstand inundation to an elevation of at least one (1) foot above the established flood elevation of the one hundred (100) year flood.

2. Fill.

A. All fill shall extend laterally fifteen (15) feet beyond the building line from all points.

B. All fill shall consist of soil and/or small rock materials only. Sanitary fills shall be prohibited. The fill material shall be

compacted to provide the necessary permeability and resistance to erosion or scouring.

C. Fill slopes shall be no steeper than 2:1 (one vertical unit to two horizontal units).

D. Fill shall be permitted only to the extent to which it does not adversely affect adjacent properties.

3. Anchoring

A. All buildings or structures shall be anchored to prevent movement or collapse.

B. All air ducts, large pipes and storage tanks located at or below the established flood elevation of the one hundred (100) year flood shall be firmly anchored to prevent flotation.

4. Placement of Buildings and Structures.

A. All buildings and structures shall be designed, constructed and placed so as to offer the minimum obstruction to the flow of water.

B. The following shall not be placed or caused to be placed in the flood hazard area: fences (except two-wire fences), other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property.

5. Floors, Walls and Ceilings.

A. Wood flooring below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall be prohibited.

B. All finished flooring below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall be made of materials which are stable and resistant to water damage resulting from submersion.

C. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall be made of materials which are resistant to water damage resulting from submersion.

D. Basement ceilings below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall have sufficient wet strength and be so installed as to survive inundation.

6. Electrical Systems.

A. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood.

B. Electrical distribution panels shall be placed at least three (3) feet above the established flood elevation of the one hundred (100) year flood.

C. Separate electrical circuits serving areas below the established flood elevation of the one hundred (100) year flood shall be dropped from above.

7. Plumbing.

A. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood.

b. No part of any on-lot sewage disposal system shall be allowed within the flood hazard area.

C. Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.

D. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

8. Paints and Adhesives.

A. Adhesives used below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall have a bonding strength that is unaffected by inundation.

B. Doors and all wood trim used below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall be sealed with a waterproof paint or similar product.

C. Paints or other finishes used below an elevation of one (1) foot above the established flood elevation of the one hundred (100) year flood shall be capable of surviving inundation.

9. Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal, or plant life, shall be stored in the flood hazard area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

(Ord. 44, 2/17/1976, §804)

§804. Certification by Engineer or Architect. A document certified by a registered engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that plans for construction adhere to §804 hereof shall be submitted to the Building Permit Officer prior to the issuance of a Building Permit. (Ord. 44, 2/17/1976, §805)

§805. Review by County Soil and Water Conservation District. A copy of all plans for new construction in the flood hazard area shall be submit-

ted to the Adams County Soil and Water Conservation District for review and comment prior to the issuance of a Building Permit. (Ord. 44, 2/17/1976, §806)

Part 9

Administration

§900. Preventive Remedies.

1. In addition to other remedies, the Borough of Bonneauville 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 of Bonneauville may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this 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.

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 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. 69, 4/19/1994)

§901. 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 of Bonneauville, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney 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 that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) 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 of Bonneauville the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction in proceedings brought under this Section.

(Ord. 44, 2/19/1976, §900; as amended by Ord. 69, 4/19/1994)

§902. Continuation. The modification or repeal of any prior ordinance, resolution, or regulation by this Chapter shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty or other liability incurred pursuant to such affected ordinance, resolution or regulation. (Ord. 44, 2/17/1976, §903)

§903. Amendments. This Chapter may be amended from time to time by the Borough Council of the Borough of Bonneauville and such amendments shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed subdivision and land development ordinance by the Planing Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the Public hearing on such proposed amendment. (Ord. 44, 2/17/1976, §904)