

SPRING TOWNSHIP

PERRY COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Enacted May, 2018

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ARTICLE 1 GENERAL PROVISIONS

Section 1.01 TITLE

This Ordinance shall be known and may be cited as the *Spring Township Subdivision and Land Development Ordinance*.

Section 1.02 PURPOSE AND LEGISLATIVE INTENT

The purpose of this Subdivision and Land Development Ordinance is to provide for harmonious development of Spring Township by:

Assisting in the orderly and efficient integration of subdivisions within the Township. Ensuring conformance of subdivision and land development plans with municipal and inter-municipal public improvement plans and programs. Ensuring compliance of subdivision and land development plans with the Spring Township Official Sewage Facilities Plan. Securing the preservation, protection and conservation of sensitive environmental resources, high quality water resources and drainage ways, in accordance with all applicable Federal, State and Township regulations and policies. Facilitating the safe and efficient movement of traffic by providing the improvements necessary for new land development. Securing equitable handling of all subdivision plans by providing uniform standards and procedures. In general, promoting the greater health, safety, and welfare of the citizens of the Township.

Section 1.03 ADOPTION - AUTHORITY

The Board of Supervisors of the Township of Spring pursuant to the Pennsylvania Municipalities Planning Code, Act 1968-247 as reenacted and amended by Act 1988-170, hereby enacts and ordains this Ordinance as the Spring Township Subdivision and Land Development Ordinance. This Ordinance shall apply to all subdivision and land development activities as defined in Section 1.10 of this Ordinance.

Section 1.04 ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any provisions currently in effect with respect to Subdivision and Land Development. However, all other ordinances and regulations shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.05 MUNICIPAL LIABILITY

The degree of subdivision and land development management sought by the provisions of this Ordinance is considered reasonable for regulatory purposes. The approval of Plans or the issuance of permits by the Township of Spring, its officers, or employees shall not be deemed to relieve the Applicant of responsibility, if any such responsibility exists, to those adversely affected by the development or subdivision of land. Further, the Township, through the issuance of a permit or the approval of a Plan, assumes no responsibility to either the Applicant or the adjoining property owner affected by the subdivision or development of land.

Section 1.06 REPEALER

Any resolution, ordinance, or part of any resolution or ordinance inconsistent herewith or any amendments thereof are hereby repealed to the extent of the inconsistency only. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any Court, or any rights accrued, or liability incurred, or any cause or causes of action accrued, or any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 1.07 SEVERABILITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom. In any case where a provision of this Ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with the provisions of another ordinance or code of this Township or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

Section 1.08 RIGHT-OF-ENTRY

Upon presentation of proper credentials, duly authorized representatives of the Township of Spring may enter at reasonable times upon property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance. The landowner shall grant to the Township, or its agents, access to the site of the work at all times, while under construction, for the purposes of inspecting the work. In the event of a situation requiring immediate action which threatens the health or safety of the residents of Spring Township, the right of entry shall include the right to make improvements to avert a potential health or safety hazard. Upon completion of the remedial activity, the Township or its authorized agent shall return the property to its former condition as soon as possible provided no further maintenance is required. The Township or its authorized agents shall provide a written notice, seventy-two (72) hours in advance, by certified mail to the property owner prior to entry onto the property for inspections. Upon arrival, the Township agent shall present identification and request that the owner, manager, lessee, or occupant legally in control of the property sign a release granting the inspection. The inspection shall be completed in a courteous and timely manner, and the signatory of the release shall be given a copy of the inspection report. In the event that a release to

inspect the property is denied, the following steps shall be taken: The matter will be officially referred to the Board of Supervisors for action. The Board may schedule a review at the next scheduled meeting of the Board of Supervisors, or, if the situation threatens the health or safety of the residents of Spring Township, the Board may commence a procedure to obtain a search warrant from the District Justice. Upon receipt of a search warrant to inspect the property, the authorized agent of the Township shall be accompanied by an officer of the County or State Police, and the inspection shall be completed in a courteous and timely manner, and the owner, manager, lessee, or occupant legally in control of the property shall be given a copy of the inspection report.

The provisions of this Section for obtaining a search warrant may be waived only when the Township Board of Supervisors and its authorized agents have good cause that the situation poses an immediate and substantial safety, water pollution, or health hazard. The Township may require the correction or alteration of a use or structure in the event that the inspection reveals a code deficiency or violation. The agent of the Township shall provide a written notification requiring specific remedial action to be completed within a reasonable period of time as is deemed necessary according to the severity of the deficiency or violation.

Section 1.09 COUNTY REVIEW

Applications for review of subdivision and land development within Spring Township must be submitted by the Applicant to the County Planning Commission for review and report, together with a fee established by the Perry County Planning Commission sufficient to cover the review and report, which fee shall be paid by the Applicant. The Township shall not approve such applications until the County report is received, or until the expiration of thirty (30) days from date the application was forwarded to the County.

Section 1.10 APPLICATION OF REGULATIONS

1. No subdivision of any lot, tract or parcel of land in Spring Township shall be effected; no land development; and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final development or Subdivision Plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this Ordinance.
2. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision Plan has been approved by the Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

ARTICLE 2 DEFINITIONS

Section 2.01 GENERAL TERMS

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated:

Words in the singular include the plural and those in the plural include the singular.

Words used in the present tense include the future tense.

The words "person", "subdivider", "Applicant" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.

The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".

The word "watercourse" includes channel, creek, ditch, dry run, spring, wetland, stream and river.

The words "should" and "may" are permissive; the words "must", "shall", and "will" are mandatory and directive.

Section 2.02 SPECIFIC TERMS

Other terms or words used herein shall be interpreted or defined as follows:

Alley (or service drivel: A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

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

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

Base Flood Elevation: The 1 ~O-year flood elevation as indicated on the Flood Insurance Rate Map (FIRM), as revised, for the Township of Spring, Perry County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

Block: An area bounded by streets.

Board of Supervisors (Supervisors): The Board of Supervisors of the Township of Spring.

Building Setback Line (setback): The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

Campground: The term "campground" shall mean a tract or tracts of land, or any portions thereof, used for the purpose of providing sites for the temporary use of trailers, recreational vehicles, campers or tents, as hereinafter defined, for camping purposes with or without a fee being charged for the leasing, renting or occupancy of such space.

Camping Site: The term "camping site" shall mean a parcel of land in an organized camp or campground for the placement of a single trailer and/or tent and the exclusive use of its occupants.

Cartway or Roadway: That portion of a street or alley which is improved, designated or intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commission: The Planning Commission of the Township of Spring.

Common Elements: Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all unit owners and are designated as common elements.

These elements may include but are not limited to:

1. The land on which the building is located and portions of the building which are not included in a unit;
2. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building;
3. The yards, parking area and driveways;
4. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements;
5. Installations of all central services and utilities;
6. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
7. Such other facilities as are designated as common elements.

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

Commonwealth: The Commonwealth of Pennsylvania

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

Corner: Every place a line angle changes.

County: Perry County, Pennsylvania

County Planning Commission: The Planning Commission of Perry County.

Cul-de-Sac: A minor street open at one end for vehicular and pedestrian access with the opposite end terminating in a vehicular turn-around.

Culvert: A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb: A stone or concrete boundary usually marking the edge of the roadway or paved area.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

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

Department (DEP): The Pennsylvania Department of Environmental Protection.

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

Development Plan: The provisions for the development of a tract of land including a subdivision Plan, 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 term "provisions for development" when used in this Ordinance shall mean written and graphic materials referred to in this definition.

Drainage: The flow of surface water and the method of directing such flow, whether natural or artificial.

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

Driveway: Any thoroughfare providing access to a residential lot or similar area regardless of being natural, stoned, paved or some other form. Whether by permit or by de facto, use of an access point to land may be considered a driveway as consistent with other regulations of Spring Township and in accordance with the requirements of the Pennsylvania Department of Transportation.

Dwelling: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Earth Sheltered: Any completed building or structure that was designed to be built partially or wholly underground. A completed building or structure which was not intended to serve as a substructure or foundation for a building.

Dwelling, Industrialized Housing: Any structure designed primarily for residential occupancy, except a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a

manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

Dwelling, Mobile Home: 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.

Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking including apartment houses, row houses, or townhouses.

Dwelling, Single-Family: Attached (Townhouses): A one-family dwelling attached to two or more one family dwellings by common vertical walls.

Dwelling, Single-Family Detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means, excluding mobile home dwellings.

Dwelling, Single-Family Semi-Detached: A dwelling used by one (1) family, having one (1) side yard, and one (1) party wall common with another dwelling.

Dwelling, Two-Family Detached (Duplex): A building used by two (2) families, with one dwelling unit arranged over the other, and having two (2) side yards.

Dwelling, Two-Family Semi-Detached (Double Duplex): A building used by two (2) families, with one dwelling unit arranged over the other, having one (1) side yard, and one (1) party wall in common with another building.

Easement, Utility: A right-of-way granted for the limited use of land for public or quasi-public purposes.

Engineer: A registered professional engineer of Pennsylvania.

Engineering Land Surveys: Surveys for (i) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgments; provided, however, that tract perimeter surveys shall be the function of the Professional Land Surveyor; (ii) the determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (iii) geodetic or cadastral survey, underground survey and hydrographic survey; (iv) sedimentation and erosion control surveys; (v) the determination of the quantities of materials; (vi) tests for water percolation in soils; and (vii) the preparation of plans and specifications and estimates of proposed work as described herein.

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

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. It shall include the conditions resulting therefrom.

Existing Grade: The vertical location of the ground surface prior to excavation or filling.

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

Finished Grade: The proposed elevation of the land surface of a site after completion of all site preparation work.

FIRM: Flood Insurance Rate Map.

Flag Lot: A lot with two (2) distinct parts. (i) The flag, which is the only building site; and is located behind another lot; and (ii) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

Flood: A temporary inundation of normally dry land areas.

Flood-Fringe Area: That portion of the flood prone area outside of the floodway area.

Flood, One Hundred Year: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Flood-Prone Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the usual and rapid accumulation of surface waters from any source.

Floodway Area: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

Future Right-of-Way: (1) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Governing Body: The Board of Supervisors of the Township of Spring.

Improvements: Those physical changes to the land necessary to produce useable and desirable lots from raw acreage including but not limited to: grading, paving, curbing, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewerage disposal facilities.

Land Development:

1. 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 :

i. 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

ii. 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.

2. Excluded from this definition of land development are the following:

a. The conversion of an existing single-family detached dwelling or single-family detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

c. 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.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

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

Lot Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement. Minimum lot area must be contiguous and not separated by a street or property.

Lot, Double Frontage: An interior lot having frontage on two streets.

Lot, Reverse Frontage: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete

and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designed and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Municipalities Planning Code (MPC): Pennsylvania Municipalities Planning Code P.L. 805 No. 247, as reenacted and amended.

Municipality: Spring Township

NPDES: National Pollutant Discharge Elimination System.

Plan, Construction Improvement: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this Ordinance. Plan, Final: A complete and exact subdivision or land development plan prepared for official recording as required by statute, Planning Commission: The Spring Township Planning Commission.

Planning Module for Land Development (Planning Module): A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

Plan, Official: The Comprehensive Plan and/or Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map or other such Plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Township in which the subdivision is located.

Plan, Pre-Application: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development, not to be construed as a Preliminary or Final Plan.

Plan, Preliminary: A tentative subdivision or land development plan, in lesser detail than the Final Plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the Final Plan.

Principal Building or Principal Use: The basic purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, manufacturing or public in nature.

Private Road: A legally established right-of-way, other than a public street, which provides the primary pedestrian and vehicular access to one or more lots and constructed to the design standards contained in this Ordinance.

Public Grounds: (i) Parks, playgrounds, trails, paths, and other recreational and other public uses, and (ii) sites for schools, sewage treatment, refuse disposal, other publicly owned or operated facilities, and (iii) publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act".

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

Real Estate: The land including the building or improvements thereto and its natural assets.

Real Property: The land and improvements thereto.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power or is mounted on or drawn by another vehicle (including camping trailer, motor home, travel trailer and truck camper); and body width of no more than eight (8) feet and body length of no more than forty (40) feet when factory equipped for the road, and licensed as such by the Commonwealth.

Re-Subdivision: Any subdivision or transfer of land or any part of land which has previously been subdivided as defined in this Ordinance.

Right-of-Way, Street: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley or however designated.

Runoff: The surface water discharge or rate of discharge from a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of 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".

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes. Also referred to as an on-lot system.

Service Drive (Private): A service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.

Setback Line: See definition Building Setback Line.

Sewage System (Community): Any system whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots and the treatment and/or disposal. of the sewage or industrial waste on one (1) or more of the lots or at any other site.

Sewage System (Individual): A system of piping, tanks or other facilities serving a single lot or collecting and disposing of sewage in whole or in part into the soil or any waters of this Commonwealth or by means of conveyance to another site for final disposal.

Shoulder: The portion of the street contiguous to the cartway for the accommodation of stopped vehicles, for emergency parking, and for the lateral support of these uses and the surface courses of the pavement

Sidewalk: A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

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 Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for a subsurface absorption area.

Soil Stabilization: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

Stream: A watercourse having a source and terminus, banks and channel, through which waters flow at least periodically.

Street: Includes: street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

Street, Major:

- a. Arterial Street: A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas, as designated by the Township.

b. Collector Street: A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development, as designated by the Township.

c. Limited Access Highway: A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties, as designated by the Township.

Street, Minor: A street used primarily for access to abutting properties, such as designated by the Township.

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

Streets, Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

Streets, Marginal Access Street: A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

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

Subdivider: See Applicant and Developer.

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

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

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

Topography: The configuration of a surface area showing relative elevations.

Top Soil: Surface soils and subsurface soil which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the upper-most soil layer called the A Horizon.

Township: The Township of Spring, Perry County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

Township Engineer: A registered professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Township to perform the duties of engineer as herein specified.

Trailer: The term "trailer" shall mean a vehicular portable structure to be mounted on a chassis or wheels and towed or constructed as an integral part of a self-propelled vehicle for use as temporary dwelling for travel, recreation and vacation commonly known as travel trailers, pick-up coaches, motor homes, camping trailers or recreational vehicles.

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

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

Utility, Public or Private: (i) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service, (ii) a closely regulated private enterprise with an exclusive franchise for providing a public service.

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

Water Survey: An inventory of the source, quantity, yield and use of creek, or a channel or ditch for water, whether natural or man-made.

Wind Energy Conversion System (WECS): A device which converts wind energy to mechanical or electrical energy.

Wind Rotor: The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is generally used on a pole or tower and, along with other generating and electrical storage equipment, forms a wind energy conversion system.

ARTICLE 3 PROCESSING PROCEDURES AND PLAN REQUIREMENTS

Section 3.01 PRIOR TO SUBMISSION

Copies of this Ordinance shall be available on request, at cost for the use of any person who desires information concerning subdivision standards and procedures in effect with the Township. Any prospective Applicant is encouraged to meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of this Ordinance. Sample plans will be on file at the Township Office building.

Section 3.02 PRE-APPLICATION PLAN (Optional to Applicant).

1. Prior to the submission of Preliminary Plans, Applicants may, at their option, submit a pre-application plan to the Township Planning Commission fourteen (14) days prior to the Planning Commission Meeting. Applicant shall submit five (5) plans to the Township Planning Commission Secretary and one (1) plan to the Township Engineer. This will enable the Planning Commission to review the proposal and to make any suggestions or discuss with the Applicant any proposed plans or factors that may affect his subdivision or development. Submission and review of a Pre- Application Plan shall not constitute official submission of a plan to the Township or official action on the part of the Township. The Township shall not be required to take any action on said plan or to review the same, within any specified period of time.
2. The Pre-Application Plan shall consist of the following:
 - a. The designation, Pre-Application Plan;
 - b. An approximate key map showing the generalized location of the tract and adjacent streets;
 - c. Tract boundaries with approximate dimensions;
 - d. North point, topography, physical features and date;
 - e. Proposed street and lot layout and owner of the tract.
3. The Township Planning Commission discussion and review of the Pre-Application Plan would normally include the following items:
 - a. Erosion and Sediment Control needs and requirements.
 - b. Sewage disposal needs and requirements.
 - c. Proposed street layout to consider compatibility with existing and future Township road system.
 - d. Land subject to flooding.
 - e. Consideration of the various permits and requirements of different governmental units and sources of information for each.

Section 3.03 PROCESSING PROCEDURE

1. Whenever a subdivision of land or land development is desired to be effected in Spring Township, Perry County, Pennsylvania, a Plan of the layout of such subdivision or land development shall be prepared, filed and processed with the Planning Commission and the Board of Supervisors according to the requirements of this Subdivision and Land Development Ordinance.

Section 3.04 MINOR SUBDIVISION AND LAND DEVELOPMENT PLAN PROCEDURE AND SPECIFICATIONS

Where two (2) or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, the Board of Supervisors, being advised by the Planning Commission, in response to a written request by the Applicant, may waive the requirements of Preliminary Plan requirements, provided such proposal is on an existing street and no new streets are involved. In such cases the applicant shall submit a Final Plan as follows:

1. The Final Plan shall be submitted and processed as required by Section 3.07 Final Plan Procedure, and contain the following data and plan specifications:
 - a. Submit an erosion and sedimentation control plan as required by the "Pennsylvania Clean Streams Law", and the Pennsylvania Department of Environmental Protection "Erosion Control Rules and Regulations" (Title 25, PART I, Subpart C, Article 11 , Chapter 102 EROSION CONTROL). The plan content shall be prepared in accordance with the erosion control measures set forth in the Erosion and Sediment Control Handbook prepared by the Cumberland, Dauphin and Perry County Conservation Districts.
 - b. Not less than fourteen (14) regular business days prior to a regularly scheduled meeting of the Planning Commission, the Subdivider shall submit two (2) copies of the application for the review of Final Subdivision Plan and five (5) copies of the Final Plan to the Spring Township Planning Commission Secretary who shall initial and date them when received. The Final Plan shall be drawn by a registered surveyor or a registered professional engineer on sheets no larger than 24" x 36" clearly labeled "FINAL PLAN" and shall contain the following information:
 - i. Outline of the property from which the lot or lots are being subdivided.
 - ii. Bearings and distances of the property taken from the property deed including the primary control point.
 - iii. Adjacent land owner names.
 - iv. Location on the property map of existing streets, streams, and woods.
 - v. A separate drawing of the proposed lot (scale: 1" = 100') with lot area, lot number, lot dimensions, bearings and distances of lot lines, existing street right-of-way and street name and number, building setback lines and contours, with a 5-foot interval.
 - vi. A location map on the plan (Minimum scale 1" = 1,000') showing property location, streets and other pertinent information.

vii. Additional data required on the plan:

- 1). Name, address and telephone number of the Owner or Applicant.
- 2). Name, address and telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plan survey (as defined herein).
- 3). Date of plan preparation.
- 4). Municipality where property is located.
- 5). North point and scale.
- 6). Certification of ownership and dedicatory statement signed by owner.
- 7). Notary public and recording statement.
- 8). Approval blocks to be signed by the Planning Commission and the Board of Supervisors.
- 9). Location and description of survey monuments shown on the plan.
- 10). Proposed protective covenants running with the land, if any.
- 11). Reference to recorded subdivision plans of adjoining platted land and by record name, date and number.
- 12). When applicable, a copy of the "Sewage Module for Land Development" or other equivalent documentation approved by the Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code.
- 13). Compliance with the Floodplain Section of this Ordinance pertaining to applications located in a flood hazard area.
- 14). Such other data as may be required by the Planning Commission or Board of Supervisors in the enforcement of this ordinance.

Section 3.05 PRELIMINARY PLAN PROCEDURE

1. Not less than fourteen (14) regular business days prior to a regularly scheduled meeting of the Planning Commission, the subdivider shall submit one (1) copy of the Application for Review of Preliminary Subdivision Plan and six (6) copies of the Preliminary Plan to the Spring Township Secretary or other designated person. The Preliminary Plan shall be drawn by a registered surveyor or a registered professional engineer. The Secretary shall date and initial each copy of the Preliminary Plan on the date it is received from the subdivider. It shall be the responsibility of the subdivider to ensure that the Preliminary Plan meets all the requirements of this Ordinance and that any coordination with public or private utilities or service agencies is accomplished.
2. Additional copies of the Preliminary Plan shall be distributed by the Applicant as follows:

- a. One (1) copy of the Application and two (2) copies of the Plan to the County Planning Commission for its review and comment.
 - b. One (1) copy of the Plan to the County Conservation District for erosion and sediment control review. Plans are to be submitted to the Conservation District when any subdivision or land development is proposed.
 - c. One (1) copy of the Plan and all supporting data to the Township Engineer.
3. Resubmission of revised plans are due fourteen (14) business days prior to the regularly scheduled meeting of the Planning Commission and shall be accompanied by a comment response letter explaining how each comment has been addressed.
4. At a regular or special Planning Commission meeting following receipt of reports from agencies listed but in no case more than sixty (60) days from the time of Preliminary Plan submission to the Commission, the Planning Commission shall:
- a. Review the Applicant's submission.
 - b. Review all reports received.
 - c. Discuss submission with Applicant or Applicant's agents.
 - d. Evaluate the Plan, reports and discussion.
 - e. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and any other ordinances of the Township.
 - f. Either recommend approval or disapproval of the Preliminary Plan.
 - g. Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
5. All applications for approval of a Plan, whether Preliminary or Final, shall be acted upon by the Board of Supervisors and the Supervisors shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of the Supervisors or the Planning Commission (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30) day following the day the application has been filed. Following receipt of the Township Planning Commission's report and within ninety (90) days, (unless said ninety (90) days is extended in writing by agreement of the Applicant) following submission of the completed Preliminary Plan to the Commission, the Board of Supervisors shall:
- a. Evaluate the Applicant's submission, presentation and report to the Township Planning Commission.

b. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.

c. Either approve, conditionally approve or disapprove the Preliminary Plan.

d. Deliver the written decision of the Board of Supervisors to the Applicant personally or mail it to him at his last known address not later than fifteen (15) days following the decision.

e. Specify, if the application is not approved in terms as filed, the defects found in the application and describe the requirements which have not been met in each case, cite the provisions of the statute or ordinance relied upon.

6. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall be deemed an approval.

7. Approval of the Preliminary Plan shall constitute conditional approval of the subdivision or land development as to its character and intensity, but shall not constitute approval of the Final Plan or authorize the sale of lots or construction of buildings.

8. Before acting on any Preliminary Plan, the Board of Supervisors may hold a public hearing thereon after public notice.

9. Applications for subdivision and land development shall include a fee sufficient to cover the Township's costs of the review, which fee shall be paid by the Applicant. Review fees may include reasonable and necessary charges by the Township's professional consultants or Engineer for review and report thereon to the Township. Such review fees shall be based upon a schedule established by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate of cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

Section 3.06 PRELIMINARY PLAN SPECIFICATIONS

1. The Preliminary Plan shall be drawn to a scale as to facilitate a comprehensive overall picture of the proposed subdivision on sheets of a size not larger than twenty four inches (24") x thirty six (36") and shall show:

a. The designation, "Preliminary Plan."

b. Proposed subdivision or development name and location relative to the nearest Township road and crossroad.

c. Name, address and telephone number of record owner and Applicant.

- d. Name and address of registered engineer or surveyor responsible for preparation of the Plan.
- e. North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised for each revision, if any.
- f. A location map, for the purpose of locating the property being developed, showing the relationship of adjoining property to all streets, roads and Township boundaries.
- g. A note stating the purpose of the plan.
- h. A site data table including the following information: zoning district, site area, minimum lot area, minimum lot depth, minimum lot width, maximum building height, minimum front yard setback, minimum rear yard setback, minimum side yard setback, maximum lot coverage.
- i. A list of required outside agency approvals and the date when the approvals are obtained.
- j. A list of all waivers of the requirements of this Ordinance requested and the date when the waivers are granted by the Board of Supervisors.
- k. The municipality name in which the plot is located.
- l. Boundaries of the property being developed showing bearings and distances (if available) and a statement of total acreage of the property and an outline of the property from which the lot or lots are to be divided, at a scale of one inch (1") equals no more than four hundred feet (400').
- m. Names of record owners of adjoining unplatted lands.
- n. Reference to recorded subdivision plans or adjoining platted land by recorded name, date and number.
- o. Existing buildings, wells, driveways, soil test locations and other topography and the approximate location of all existing tree masses, storm pipes, water courses, wetlands, utilities both overhead and underground within the proposed subdivision and extended to one hundred feet (100') beyond the subdivision. This provision includes residential land.
- p. Existing and proposed field surveyed contours of the proposed subdivision at vertical intervals of two feet (2'). Interpolated USGS contours are not acceptable. The ten foot (10') contours shall be labeled.
- q. Purpose of which sites other than residential lots are dedicated or reserved.
- r. Land Subject to Flooding:
 - i. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Plan for such uses as shall not be endangered by periodic or occasional inundation.

ii. Adequate Building Site - To ensure that residents will have sufficient flood free land upon which to build a house, the Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information.

iii. Street Elevation - The Planning Commission shall not recommend approval of streets subject to inundation or flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.

s. The layouts, names and widths of right-of-way, cartway and paving of proposed streets, alleys and easements and whether streets are intended to be dedicated to the Township, and including utility and storm water easements.

t. The layout of lots showing dimensions, lot numbers and area of each lot.

u. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space or other public, semi-public, or community purpose.

v. The location of the proposed areas for sewage facilities, including collection and conveyance lines, treatment plants, and individual on-lot disposal systems and drainfields.

2. The Preliminary Plan shall be accompanied by the following data and plans:

a. A detailed grading plan showing the proposed location of a house, driveway, well and septic system for each lot (including the residual) of the subdivision.

b. A profile of each proposed street or right-of-way including existing and proposed grades in typical cross-sections. A profile in grading for the proposed driveway.

c. A Stormwater Management Report.

d. A conceptual plan showing existing and proposed utility mains.

e. An engineering design for proposed sewerage systems, storm drainage facilities and of any proposed water distribution system. Section 5.04 of this Ordinance, the Spring Township Official Sewage Facilities Plan, and all other applicable Township policies, regulations, and ordinances shall be followed with respect to the design and installation of any community or individual on-lot disposal system, or any public or private wastewater disposal or treatment system, or any community or individual on-lot well or water supply, or any public or private community water supply system.

f. An Erosion and Sedimentation Plan showing locations and types of erosion and sediment control measures. See section 4.05.

g. An approved plan for the proposed sewage treatment and water supply facilities, including a completed Department of Environmental Protection sewage "Plan Revision Module" for submission to DEP by the Township in compliance with the planning and testing requirements of the Pennsylvania Sewage Facilities Act, (Chapter 73 and Chapter 71 of Title 25 of the Pennsylvania Code). The "Plan

Revision Module" shall be completed by the Applicant at his expense.

h. A Traffic Impact Study.

i. A traffic impact study shall be provided when the proposed project includes:

- 1). Ten or more dwelling units; or
- 2). Twenty-five or more parking spaces.

ii. The Board of Supervisors may waive or modify, in whole or in part, the requirements for a traffic impact study. In considering any waiver or modification, the Board of Supervisors may consider, in its discretion, but is not limited to considering, such factors as:

- 1). Location of the subject property;
- 2). Proximity to intersections and major roadways;
- 3). Projected increase of traffic volume on road system;
- 4). Number and location of proposed accesses; and
- 5). Nature of the use proposed.

iii. Request for a waiver or modification shall include Subsection 2.h.iv.4.a.i. through 2.h.iv.r.a.vi. and justifications for the request.

iv. A full traffic impact report shall include the following:

- 1). Definition of influence area.

a. An influence area must be defined which connects the development to, and coordinates with, arterial streets. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area shall be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site or delineating area boundaries based on locations of competing developments.

b. Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origin destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact. The method used to determine the influence area shall be determined by the Township.

Area of traffic impact report. The traffic impact study area shall be based on the characteristics of the influence area. The intersections and roadway segments to be included in the study shall be adjacent to the site or impacted by vehicular traffic generated by the development of the site. The intersections and roadway segments shall be determined by the Township and Township Engineer. In the absence of an agreement, the applicant may be required to analyze additional intersections and/or roadway segments within the study area.

Preparation by Transportation Engineer required. When it has been determined that a traffic impact study is required for a proposed site development, it shall be the responsibility of the developer to ensure the study is conducted and submitted in accordance with these regulations. The traffic impact study and final report shall be prepared under the supervision of a registered professional engineer who possesses a license issued by the Pennsylvania State Registration Board for Professional Engineers. The final traffic impact study must have the seal of the supervising engineer on it when submitted.

4. Documentation required. A traffic impact study shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the report.

a. The documentation for a traffic impact study shall include, at a minimum:

i. Executive summary.

ii. Report purpose and objectives. Description of the site and study area.

iii. Existing conditions in the area of the development.

iv. Recorded or approved nearby development within the traffic impact study area.

v. Trip generation, trip distribution and modal split.

vi. Projected future traffic volumes (build and no-build).

vii. A description of the change in roadway operation conditions resulting from the development traffic.

viii. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from within, and past the site at an acceptable and safe level of service.

ix. Supplemental studies (i.e., gap, queue, left-turn, etc.).

x. Improvements to be implemented by the applicant.

xi. Appendix: Include data collection summaries, detailed capacity analysis worksheets, etc.

xii. Signed and sealed by a professional engineer.

b. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.

c. Recommended improvements to the study area network to include preliminary cost estimates, proposed implementation schedule and expected levels of service for the recommended network. Any off-site improvements which are to be constructed shall be noted.

d. The recommendations shall specify the time period within which the improvements shall be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.

Monitoring of constructed improvements shall be in accordance with PennDOT regulations. All monitoring shall be performed by the developer and coordinated with the Township.

e. Data shall be presented in tables, graphs, maps, and diagrams.

f. The executive summary shall be provided at the beginning of the traffic impact study and include one or two pages that concisely summarize the purpose, conclusions, and recommendations.

g. The traffic impact study shall analyze and recommend programs to reduce vehicular trips. Also, support for, and programs to encourage use of, alternate modes of transportation, including carpooling, transit walking, and cycling, shall be considered in the study. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at access points to allow a bus to enter the development. Bus signs and shelters shall be designed where appropriate as determined by the Township.

5. Data collection. Existing twenty-four-hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the traffic impact area. A major intersection shall be any intersection involving at least one major collector street or minor collector street as designed by the Township.

6. Horizon year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the "horizon year" in the remainder of this Ordinance. If access is proposed onto a state highway, an analysis shall be conducted at a period of 10 years beyond the opening date.

7. Non-site traffic estimates. Estimates of non-site traffic shall be made and will consist of traffic generated by all other developments within the traffic impact study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using historic trends for the roadway or the current edition of Pennsylvania Traffic Data.

8. Trip generation rates required. The traffic impact study shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of adjacent street peak trips (a.m. and p.m.), generated peak-hour trips, and total daily trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE or from a local study of corresponding land uses and quantities. All sources must be referenced in the study. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the study and approved by the Township.

9. Consideration of pass-by trips. If a reduction in the site generated traffic volumes is a consideration for the land use in question, studies and interviews at similar land uses in similar areas must be conducted or referenced by justifying the pass-by reduction to be applied.

10. Rate sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the report. If a reduction in the overall trip generation of a mixed-use development was proposed due to internalization, documentation shall be provided.

11. Estimates of a trip distribution required.

a. Trip distribution can be estimated using anyone of the following three methods:

i. Analogy.

ii. Trip distribution model.

iii. Surrogate data.

b. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multiuse development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether site-generated inbound and outbound trips will have similar distributions.

12. Trip assignments.

a. Assignments must be made considering logical routing, available roadway capacities, left turns and intersections, and projected (and perceived) minimum travel times. In addition, multiple paths shall often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing 200 or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths shall be used to obtain realistic driveway volumes. The assignment shall reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with the applicable computer models.

b. If a thorough analysis is required to account for pass-by trips, the following procedure shall be used:

i. Determine the percentage of pass-by trips in the total trips generated.

ii. Estimate a trip distribution for the pass by trips.

iii. Perform two separate trip assignments, based on the new and pass-by trip distribution.

iv. Combine the pass-by and new trip assignment.

13. Total traffic impacts.

a. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact report shall clearly depict the total traffic estimate and its components.

b. Evaluations shall include warrants for pavement r widening, turn lane(s) and signalization, where applicable. Procedures and final study requirements shall adhere to Penn DOT Publication 282, as amended.

c. Analysis for safety and capacity sufficiency.

i. The study area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: 1). Existing network conditions, 2). Future network conditions without the proposed development, and 3). Future network conditions with the proposed development. For each of the three conditions, the following analyses shall be completed:

1). Mainline ADT volumes and turning movement volumes for all intersections within the report area will be determined for the a.m. peak hour, if other than either the a.m. or p.m. peak hour of the network.

2). The effectiveness of the traffic signal control at all intersections will be evaluated by approach in terms of vehicle stops and delays.

3). Gap studies will be conducted in accordance with the standards established by the ITE at the proposed site access points to evaluate the need for signal control, turn prohibitions or additional site access points to reduce the left-turn volume from the site driveways if unsatisfactory levels of service are achieved.

4). Queue length studies will be completed in accordance with standards established by the ITE to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections, including access points to the proposed development.

ii. The analysis of the existing roadway and intersection conditions in the study area will be based upon the current geometric conditions and traffic control operations. This analysis will serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies.

iii. The analysis of the future conditions without the proposed development will document the adequacy of the study area network to accommodate traffic in the horizon year(s) without the proposed development.

iv. The analysis of the future conditions with the proposed development will document the adequacy of the study area network to accommodate traffic in the horizon year(s) with the proposed development.

14. Required levels of service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from, and within the past, the proposed development, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, they shall not deteriorate to worse than C if they are currently A or B and shall not be improved to a D if they are E or F. In addition, there shall be no increase in delay if an unsatisfactory level of service cannot be improved.

15. Capacity analysis

a. Capacity analysis must be performed at each off-site street intersection and project site access intersection locations (signalized and un-signalized) within the study area. In addition, analyses must

be completed for roadway segments affected by the proposed site traffic within the study area. These may include such segments as weaving, sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

b. The recommended level of service shall be computed in accordance with the Highway Capacity Manual, Special Report 209, as amended, published by the Transportation Research Board, or any subsequent revision of such manual. The most current version of the Highway Capacity Software shall be used.

c. The operational analyses in the Highway Capacity Manual shall be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.

d. In developing the proposed improvements, the study preparer is to consider the following:

i. All highway capacity evaluations shall consider not only the overall intersection level of service in the delay, but also evaluate each approach or lane group and movement to identify any substandard values which need to be Section 3_07 improved.

ii. For locations where the level of service of the horizon year without proposed development is F, the improvements shall provide an estimated delay which will be no worse than the delay for the horizon year without the proposed development.

iii. Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at Level of Service C or better.

iv. For access points to the proposed development which are not proposed to be controlled by traffic signal, and analysis will be completed to determine the design details for a separate left-turn lane on the adjoining highway.

v. For access points to the proposed development where traffic signal control is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201, Engineering and Traffic Studies, and PennDOT's Publication 149, Traffic Signal Design Handbook. If the analysis warrants turning lanes, the type of signal phasing required shall be determined.

Section 3.07 FINAL PLAN PROCEDURE

1. Not less than fourteen (14) regular business days prior to a regularly scheduled meeting of the Planning Commission, the Subdivider shall submit two (2) copies of the application for the review of Final Subdivision Plan and five (5) copies of the Final Plan to the Spring Township Planning Commission Secretary who shall initial and date them when received. The Final Plan shall be drawn by a registered surveyor or a registered professional engineer. Submission of the Final Plan shall take place no later than five (5) years after the approval of the Preliminary Plan by the Township Supervisors. If the subdivider does not submit the Final Plan during that time, the approved Preliminary Plan becomes null and void. However, the subdivider may, due to extenuating

circumstances, apply for and receive a time extension from the Township Supervisors upon recommendation of the Planning Commission.

Duration of said time extension is one year in length from the date of the approved extension. Upon approval by the Planning Commission, the subdivider may submit the Final Plan and application in sections, each of which covers a portion of the entire proposed subdivision as approved in the Preliminary Application and Plan. The Final Plan shall incorporate all the conditions, changes and modifications required by the Planning Commission in its approval of the Preliminary Plan; otherwise, the Final Plan shall conform to the approved version of the Preliminary Plan.

2. Final Plan Distribution. The Applicant shall distribute additional copies of the Final Plan and application as follows:

- a. One (1) copy of the Application and two (2) copies of the Plan to the County Planning Commission for its review and comment.
- b. One (1) copy of the Plan to the County Conservation District for erosion and sediment control review. Plans are to be submitted to the District when any subdivision or land development is proposed.
- c. One (1) copy of the Plan to the Township Engineer

3. Resubmission of revised plans are due fourteen (14) business days prior to the regularly scheduled meeting of the Planning Commission and shall be accompanied by a comment response letter explaining how each comment has been addressed.

4. At a regular or special Planning Commission meeting following receipt of report from agencies listed above, the Township Planning Commission shall:

- a. Review the Applicant's submission.
- b. Review all reports received.
- c. Discuss submission with the Applicant or Applicant's agent.
- d. Evaluate the Plan, reports and discussion.
- e. Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other Ordinances of the Township.
- f. Either recommend approval or disapproval of the Final Plan.
- g. Submit its report to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case cite the provisions of the Ordinance relied upon.

5. Following receipt of the Township Planning Commission's report and within the time period specified in Section 3.05.5, unless said period is extended in writing by agreement of the Applicant, following submission of the completed Final Plan to the Commission, the Board of Supervisors shall:

- a. Evaluate the Applicant's submission, presentation and report to the Township Planning Commission.
- b. Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other Ordinances of the Township.
- c. Either approve or disapprove the Final Plan by resolution.
- d. Inform the Applicant of the decision in writing, communicated personally or mailed to him at the address on the application not later than fifteen (15) days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provision of the Ordinance relied upon.

6. Before approval of a Final Plan, the Board of Supervisors must be assured by means of a proper completion guaranty in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements to the satisfaction of the Board of Supervisors that all improvements required in Article 4 will be installed by the Applicant in strict accordance with the standards and specifications of the Township and within a specified time after approval of the Final Plan. The bond or other security shall be made to and deposited with the Secretary of the Spring Township Board of Supervisors as follows:

- a. Completion of Improvements or Guaranty Thereof Prerequisite to Final Plan Approval.
 - i. No Plan shall be finally approved unless the streets shown on such Plan have been constructed as required by this Ordinance and any walkways, curbs, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm water facilities and other improvements as may be required by this Ordinance have been installed. In lieu of the completion of any improvements required as a condition for the final approval of a Plan, the Applicant shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
 - ii. When requested by the Applicant, in order to facilitate financing, the Board of Supervisors shall furnish the Applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the Applicant obtaining a satisfactory financial security. The Final Plan 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 which is requested in writing by the Applicant is granted by the Board of Supervisors.

- iii. Without limitation as to other types of financial security which the Township 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.
- iv. 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.
- v. 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.
- vi. The amount of financial security to be posted for the completion of the required improvements shall be equal to one-hundred and ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Applicant. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the Applicant to post additional security in order to assure that the additional security equals said one-hundred and ten percent (110%). Any additional security shall be posted by the Applicant in accordance with this subsection.
- vii. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant 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 Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.
- viii. 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 percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding ten percent (10%) 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.

ix. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of Final Plans by section of stages of development subject to such requirements of guaranties 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.

x. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved Plan. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

xi. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors 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 Plan 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 percent (15%) of the actual cost of installation of said improvements.

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

xiii. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a Plan as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including building, upon lots or land as depicted upon the Final Plan upon actual completion of the improvements depicted upon the approved Final Plan. 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 Plan, either upon the lot or lots or beyond the lot or lots in question as such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

b. Release from Improvement Bond.

i. When the developer has completed all of the necessary and appropriate improvements, the Applicant shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the municipal Board of Supervisors, and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the Board of Supervisors; 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 Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

ii. The Board of Supervisors shall notify the Applicant, within fifteen (15) days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.

iii. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

iv. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

v. Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

vi. Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.

vii. The Township may prescribe that the Applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township 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 Township when fees are not reimbursed or otherwise imposed on Applicants.

- 1). 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 Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township 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.
- 2). If, within twenty (20) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Township 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.
- 3). 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.
- 4). In the event that the Township 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 Township is located (or if at the time there be no President Judge, then the senior acting judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.
- 5). 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 is required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer.

c. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved Final Plan, the Board of Supervisors may 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 the improvements covered by said security, the Supervisors may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action or recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

7. When the Applicant has completed all the required improvements the Applicant shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

a. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements.

b. The Township Engineer shall, thereupon, file a report in writing, with the Township Board of Supervisors, and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization for inspection by the Supervisors.

c. The receipt shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Supervisors.

d. The report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for non-approval or rejection.

e. The Board of Supervisors shall notify the Applicant, in writing by certified or registered mail, of the action of the Board with relation thereto.

f. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released of all liability, pursuant to its performance guaranty bond.

g. If any portion of the said improvement shall not be approved or shall be rejected by the Board of Supervisors, the Applicant shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.

8. Recording Plats and Deeds.

a. Upon the approval of a final plat, the developer shall within 90 days

of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the recorder of deeds of the county in which the municipality is located. Whenever such plat approval is required by a municipality, the recorder of deeds of the county shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the county planning agency, if one exists.

b. 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 in the subject plat.

Section 3.08 FINAL PLAN SPECIFICATIONS

1. The Final Plan shall be drawn on a sheet no larger than twenty four inches by thirty six inches (24" x 36" or less) in size at a scale of one inch (1 ") equals not more than one-hundred feet (100') and show:
 - a. The designation "Final Plan".
 - b. Subdivision or Development name and location relative to the nearest township road and crossroad.
 - c. Name, address, telephone number of record owner and Applicant.
 - d. Name and address of registered engineer or surveyor responsible for preparation of the Plan.
 - e. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised for each revision, if any.
 - f. A location map, for the purpose of locating the property being developed, showing the relationship of adjoining property to all streets, roads and Township boundaries.
 - g. A note stating the purpose of the plan.
 - h. A site data table including the following information: zoning district, site area, minimum lot area, minimum lot depth, minimum lot width, maximum building height, minimum front yard setback, minimum rear yard setback, minimum side yard setback, maximum lot coverage.
 - i. A list of required outside agency approvals and the date when the approvals are obtained.
 - j. A list of all waivers of the requirements of this Ordinance requested and the date when the waivers are granted by the Board of Supervisors.
 - k. The municipality name in which the plot is located.
 - l. Tract boundary lines, right-of-ways of streets, easements and other right-of-way, and property line of residential lots and other sites with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves, and areas for all lots and total acreage.
 - m. Name and right-of-way width of each street or other right-of-way.
 - n. Location, dimensions, and purpose of easements, proposed and existing.
 - o. Number to identify each lot and/or site.
 - p. Purpose for which sites other than residential lots are dedicated or reserved.
 - q. Building setback lines on all lots and other sites.
 - r. Locations and descriptions of survey monuments.
 - s. Names or record owners of adjoining unplatted land.

- t. Reference to recorded subdivision Plans of adjoining platted land and by recorded name, date, and numbers of each subdivision.
- u. Certification by the person responsible for the survey certifying to the accuracy of the survey and plan as described in P.L. 534, No. 120 of December 13, 1979.
- v. Certification of title showing the Applicant is the owner of land, agent of the land owner or tenant with permission of the landowner.
- w. Statement of owner dedicating streets, right-of-way and any sites for public uses which are to be dedicated.
- x. Proposed Protective Covenants running with the land, if any.
- y. Existing and proposed field surveyed contours at vertical intervals of two (2) feet or less. Interpolated USGS contours are not acceptable. The ten foot (10') contours should be labeled.
- z. Other Data. The Final Plan shall be accompanied by the following data and plans as prescribed by the Township or as required by the laws of the Commonwealth:
 - i. A detailed proposed grading plan showing the proposed location of a house, driveway, well and septic system for each lot (including the residual) of the subdivision.
 - ii. Profiles of streets and driveways showing existing and proposed grades.
 - iii. Typical Cross Sections of each type of street, minor street, collector, etc., showing the width of right-of-way, width of cartway, location and width of sidewalks, if required, and location and size of utility mains.
 - iv. A Storm Water Management Report.
 - v. Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - vi. A final Erosion and Sedimentation Control Plan, accompanied by the Approval Letter provided by the Perry County Conservation District.
 - vii. A copy of the approved application for an NPDES Permit.
 - viii. In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the Final Plan, a covenant with the land, assuring the implementation by the lot owners of the Erosion and Sedimentation Control Plan. ix. A copy of the approval letter for sewage "Plan Revision Module for Land Development" or other equivalent documentation approved by the Department of Environmental Protection,
 - x. Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission in the enforcement of these regulations.

xi. Where a Mobile Home Park is proposed, the Applicant shall demonstrate compliance with all applicable Township, County, and Commonwealth legal requirements.

xii. When a subdivision or land development is proposed fronting on the existing street, except for a state highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width, then the required right-of-way for all the property fronting on the existing street shall be shown on the Plan and a signed dedicatory statement shall be shown on the Final Plan.

xiii. No Plan which will require access to a highway under the jurisdiction of the State Department of Transportation (PennDOT) shall be finally approved unless the Plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

xiv. If the water supply 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 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 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.

xv. A Traffic Impact Study, as required by Section 3.0S.2.h.

aa. Land Subject to Flooding:

i. Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Plan for such uses as shall not be endangered by periodic or occasional inundation.

ii. Adequate Building Site. To ensure that residents will have sufficient flood free land upon which to build a house the Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information. (For additional information see the Township flood insurance rate maps.)

iii. Street Elevation. The Planning Commission shall not recommend approval of streets subject to inundation of flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.

ARTICLE 4 DESIGN STANDARDS

Section 4.01 STREETS

1. General Standards

The arrangements, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.

- a. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.
- b. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper continuation of streets.
- c. Existing Township roads shall be classified as Collector Streets.
- d. Private rights-of-way which may be approved by the Board of Supervisors when:
 - i. Such roads are less than five hundred feet (1,000') in length; and
 - ii. Such roads shall serve no more than three lots including the parent tract and shall be separated by at least the width of the two lots; and
 - iii. Such roads should meet all other design specifications for minor streets (shoulders are not required and select surface material may be substituted for bituminous paving); and
 - iv. Such roads have been specified by deed restriction to be the responsibility of a bona fide homeowners association or other collective group or ownership, to maintain the road and cause it to be improved to meet the Township standards for a minor street should it ever be offered for dedication to the Township. Such deed restrictions and maintenance agreements needed to meet the requirements of this section shall be reviewed for the adequacy by the Township Solicitor.
- e. Improvements of Existing Streets. Where a subdivision and/or land development abuts an existing Township and/or State street, the application shall conform to the following:
 - i. Ultimate Right-of-Way. Existing Township and/or State streets shall be provided with the ultimate street right-of-way specified in the latest edition of the Spring Township Comprehensive Plan.
 - ii. Guarantee of Improvements. Improvement guarantees in the form permitted by this Ordinance shall assure that such improvements will be made within such period of time as the Township shall determine. Such determination to be based on the likely timing of the project and the improvements of the other portion of said street.

2. Alleys

Alleys shall be prohibited in residential districts.

3. Intersections

Intersections involving the junction of more than two (2) streets are prohibited. Right-angle intersections must be used wherever practicable, however, in no case shall streets intersect as less than seventy-five (75) degrees.

4. Intersection Curve Radii

At intersections of streets the radius of the curb or edge of pavement radii shall not be less than the following:

Intersection	Minimum Simple Curve Radius of Curb or Edge of Pavement
Any Township Street with a State Highway	Thirty-five feet (35') with a ten foot (10') pavement offset
Collector with Collector Street	Thirty-five feet (35')
Collector with Minor Street	Twenty-five feet (25')
Minor Street with Minor Street	Fifteen feet (15')

Property lines of corner properties adjacent to intersections shall be substantially concentric with curb lines or edge of pavement.

5. Intersection Sight Distance Proper sight lines must be maintained at all intersections in accordance with the standards established by the Pennsylvania Department of Transportation.

6. Streets Not in Alignment

If streets are not in alignment, the distance between the centerlines of streets opening on opposite sides of an existing or proposed street shall be not less than one hundred twenty-five feet (125').

7. Sight Distances

Sight distances must be provided with respect to both horizontal and vertical alignment. Sight distances shall be based on standards established in the Pennsylvania Code, Title 67 Transportation, Chapter 44, Access to and Occupancy of Highways by Driveways and Local Roads, January 1982.

8. Curves

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

Type of Street	Minimum Radius
Collector	Three hundred feet (300')
Minor	One Hundred Fifty feet (150')

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets there must be a tangent of at least one hundred feet (100') between reverse curves.

9. Street Widths

a. Minimum street right-of-way and cartway widths shall be as specified below:

STREET RIGHT-OF-WAY AND CARTWAY WIDTHS

Street Type		
Arterial Street	Right-of-way Cartway Shoulder	As determined by the Supervisors after consultation with PennDOT
Collector Street	Right-of-way Cartway Shoulders	Sixty feet (60') Twenty feet (20') Four feet (4') each side
Minor Street	Right-of-way Cartway Shoulders	Fifty feet (50') Twenty feet (20') Four feet (4') each side
Cul-de-sac Diameter	Right-of-way Cartway Shoulders	One-hundred feet (100') Eighty feet (80') Eight feet (8') each side
Alley/Service Drive	Right-of-way Cartway	Twenty feet (20') Twenty feet (20')
Marginal Access	Right-of-way Cartway Shoulders	Fifty feet (50') Eighteen feet (18') Eight feet (8') each side

- b. Existing Township roads are classified as collector streets.
- c. When the subdivision or land development is proposed fronting on an existing street, except for a state highway, the required additional right-of-way shall be dedicated or the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the Plan and a signed dedicatory statement shall be shown on the Final Plan.

10. Cul-de-sac or Dead End Streets

Cul-de-sacs or dead end streets, designed to be so permanently, shall not exceed one thousand feet (1,000') in length, and shall be provided with a turnaround having minimum dimensions or right-of-way and cartway widths as indicated in the preceding section.

11 . Street Grades

- a. The grades of streets shall not be less than the minimum grade of five one-hundredths of a percent (0.5%) or more than maximum requirements listed below:

Type Streets	Maximum Grade
Arterial Streets	As determined by the Board after consultation with Penn DOT.
Collector Streets	Seven percent (7%)
Minor Streets	Ten percent (10%)
Alleys	Twelve percent (12%)

- b. Vertical curves shall be used in changes of grade when the algebraic difference exceeds one percent (1%), and shall be designed for maximum visibility. Where the grade exceeds seven percent (7%), within one-hundred feet (100') of the intersection such leveling areas shall have a minimum length of sixty feet (60' measured from the intersection of the centerline) within which no grade shall exceed a maximum of four percent (4%).
- c. On Minor streets and alleys, grades greater than ten percent (10%) shall be not more than four hundred feet (400') in length but in no case shall the grades be greater than fifteen percent (15%).

12. Slope of Banks Along Streets

The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

- a. One foot (1 ') of vertical measurement for three feet (3') of horizontal measurement for fills.
- b. One foot (1 ') of vertical measurement for three feet (3') of horizontal measurement for cuts.

c. Cut slopes beyond the roadside swale can be 2:1.

13. Partial and Half-Streets

The dedication of half-streets at the perimeter of new subdivisions is prohibited

14. Names of Streets

Names of new streets shall be coordinated with the United State Postal Service and the Perry County Emergency Management Agency.

15. Driveways and Service Drives

The following standards shall apply to *driveway* construction within the public right-of-way in any subdivision and land development:

- a. Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of the nearest street right-of-way lines. Private driveways shall be setback a minimum of *five* feet (5') from side property lines unless a joint use *driveway* is proposed.
- b. All driveways on a State Highway must *have* a valid highway occupancy permit from the PA Department of Transportation.
- c. JOINT DRIVEWAYS. Joint or common driveways serving no more than three (3) lots or three single family dwelling units are permitted and shall be designed in accordance with the standards of this section.
- d. DRIVEWAY WIDTH. The minimum driveway width at the cartway edge shall be ten feet (10'). The maximum *driveway* width at the cartway edge shall be twenty *five* feet (25').
- e. PARKING SPACE AND TURNAROUND. Adequate area will be provided for a turnaround so that vehicles do not *have* to back onto roads. A minimum of two (2) parking spaces per dwelling shall be provided.
- f. DRIVEWAY GRADES.
 - i. The maximum grade of a driveway or service drive shall be no more than 12%. A grade up to 20% may be permitted for a length not to exceed 100 feet provided it is not within 50 feet of a Township right-of-way line.
 - ii. A centerline profile of the driveway or service drive will be required to be displayed on the plan and the applicant will need to submit a stormwater management plan.
- g. DRIVEWAY ENTRANCES.
 - i. Driveway entrances shall have a minimum edge-of-pavement radius of five feet (5').
 - ii. Driveway entrances onto a municipal street shall be constructed according to the municipal construction standards for such access within the street right-of-way.

iii. Driveway entrances onto a state street within the street right-of-way shall be surfaced to their full width. The type of surface may be either concrete or asphalt, constructed following the specifications in Penn DOT Publication RC-25M Type 6 Shoulder (asphalt) or Type 2 Shoulder (concrete).

iv. Driveway entrances along streets, where curbs are not required, shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales, or ditches. Such continuation may be provided by having an approved pipe of not less than fifteen inches (15") in diameter across such driveway entrances.

v. Driveway entrances along streets shall be constructed so that the driveway meets the edge of the cartway as a continuation of at least the slope from the crown of the street for not less than five feet (5').

vi. Driveways serving single family residences shall intersect streets at angles of no less than seventy five (75) degrees. All other driveways or service drives shall intersect streets at right angles.

h. SIGHT DISTANCE. Sight distance shall be in accordance with Pennsylvania Code, Title 67 Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, January 1982.

i. CLEAR SIGHT TRIANGLE. Clear sight triangle shall be seventy five feet (75') in each direction along the street and ten feet (10') back from the edge of the cartway.

j. DRIVEWAY PROFILE. Driveway profiles shall provide efficient access to the abutting residential street, allow for low-speed ninety (90) degree turns into the driveway, and provide safe access to the residential garage or parking area. The following standards shall apply:

i. Driveways serving residential dwellings shall not exceed twenty percent (20%).

ii. If not jointly used, a driveway may not be placed closer than five feet (5') of an adjoining property line.

iii. New driveways may not be placed closer than fifty feet (50') of another driveway.

Section 4.02 EASEMENTS

1. The minimum width of easements shall be fifteen feet (15') for underground public facilities, twenty feet (20') for overhead public utility facilities and twenty-five feet (25') for drainage facilities.

Wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Supervisors depending on the purpose of the easement.

2. Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating or protecting such drainage

facilities, or for the purpose of installing a stormwater sewer. 3. Applicant shall provide the Supervisors with a statement from a Utility Company as to easement adequacy.

Section 4.03 BLOCKS

Blocks shall not exceed sixteen hundred feet (1600') in length and shall be of sufficient depth to permit two (2) tiers of lots, except as otherwise provided for herein.

Section 4.04 LOTS

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

1. LAYOUTS OF LOTS: Every lot shall abut a street. Side of lines should be substantially at right angles or radial to street lines.
2. FLAG LOTS: Flag lots shall only be permitted where specifically provided for in accordance with this Ordinance where such an ordinance has been enacted, and in compliance with the following:
 - a. For the purposes of this Section a flag lot shall be described as containing two parts: (1) The "Flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "Pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.
 - b. Requirements for the Flag
 - i. The minimum lot area and lot width requirements shall be measured exclusively upon the flag.
 - ii. For purposes of determining required yards and setbacks, the following shall apply:

Front yard: The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

Rear yard: The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yard: The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.
 - iii. The flag lot shall contain adequate driveway dimension for vehicular back up so that ingress to, and egress from, the lot is in the forward direction.
 - c. Requirements for the Pole
 - i. The pole shall maintain a minimum width of fifty feet (50').
 - ii. The pole shall not exceed six hundred feet (600') in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

iii. No part of the pole shall be used for any portion of an on lot sewage disposal system, well, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes and signs.

iv. The driveway contained within the pole shall be located at least five feet (5') from any adjoining property line, and twenty feet (20') from any existing structures on the site or any adjoining property.

3. **DOUBLE FRONTAGE:** Double frontage lots shall be avoided, except that, where desired along limited access highways, reverse frontage lots may face on an interior street, and back on such thoroughfares.

Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.

4. **DIMENSIONS AND AREAS OF LOT:** The dimensions and areas of lots, unless regulated by The Township Zoning Ordinance, shall conform to the following requirements:

a. **LOTS NOT SERVED BY BOTH PUBLIC WATER AND PUBLIC SANITARY SEWERS**

Residential lots, not served by both public water and public sanitary sewers, which meet the necessary percolation and soil survey standards, shall be not less than two hundred (200) feet wide measured at the front building setback line, nor less than one and one-half (1 1/2) acres in area, per dwelling unit excluding right-of-way. Minimum lot area must be contiguous acreage.

b. **LOTS SERVED BY PRIVATE SEWER AND PUBLIC WATER**

Residential lots, served by private sewers and public water which meet the necessary percolation and soil survey standards shall be not less than one hundred (100) feet wide measured at the front building setback line, nor less than one and one half (1 1/2) acre in area, per dwelling unit. Minimum lot area must be contiguous acreage.

c. **LOTS SERVED BY PUBLIC SANITARY SEWERS AND PRIVATE WATER**

Residential lots, served by private sewers and by public water supply, which meet the necessary percolation and solid survey standards, shall be not less than eighty-five (85) feet wide, measured at the front building setback line, nor less than ten thousand (10,000) square feet in area, per dwelling unit. Minimum lot area must be contiguous acreage.

d. **LOTS SERVICED BY PUBLIC WATER AND PUBLIC SANITARY SEWERS**

Residential lots served by both public water and public sanitary sewers shall have a contiguous minimum lot area and shall conform to the following requirements.

	Minimum Lot Width at the Front Building Setback Line (ft.)	Minimum Lot Area per Dwelling Unit (ft.)
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Single Family Detached Dwelling	75	7,500
Single Family Semi-Detached Dwelling	50	5,000
Single Family Attached Dwelling	18 interior, 33 each end	2,400
Two-Family Detached Dwelling	75	7,500
Two-Family Semi-Detached Dwelling	60	3000
Multi-Family Dwelling	100	2,400

e. LOTS IN RECREATIONAL VEHICLE PARKS OR CAMP GROUNDS

On land laid out as a recreational vehicle park or campground for transient type camping (overnight, or weekly) the spaces should be not less than thirty (30) feet wide or less than 2400 square feet in area for each vehicle exclusive of streets and other public areas. Campgrounds must meet all PADEP specifications in regard to toilet facilities, sewage dumping facilities, water facilities and other requirements not covered in this Ordinance. If a campground is to be laid out for more permanent placement of RVs or campers, the plan or ground must meet the requirements of Article 7 Section 4 of this Ordinance.

f. 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 by plans of contemplated construction on the subdivision lots in sufficient detail to assure that these requirements are being satisfied.

g. LOT SIZES AND SEWAGE FACILITY REQUIREMENTS:

- i. The applicant shall arrange for the required test to be made on the tract as prescribed by the Department of Environmental Protection in order to provide the data necessary for the platting of lots for adequate size for on lot sewage disposal or to determine the need for other sewage disposal methods.
- ii. The results of these tests shall be submitted to the Department of Environmental Protection in a form acceptable to the Department, and, if required, showing the review and comments to the Spring Township Board of Supervisors.
- iii. From the results of these tests and reports, the lot size shall be established large enough to provide for specified minimum area required for the absorption field as prescribed in accordance

with the Department of Environmental Protection report, if on lot sewage disposal is permitted, but in no case shall the lot size be less than designated in Section 4.04.4.

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

h. **LOT SIZES ON SLOPES:** The minimum lot areas herein established shall be increased in accordance with the Supervisor's requirements, based on reports from the Department of Environmental Protection and Conservation District indicating that, because of slope, surface runoff or subsurface drainage of septic tank effluent area likely to result in hazardous conditions.

i. **CORNER LOTS FOR RESIDENTIAL USES:** Corner lots designed for residential use shall have extra width of at least ten percent (10%) of the above required width to permit appropriate building setback from, the orientation to both streets.

j. **BUILDING SETBACK LINES:**

i. Building setback lines must conform to an applicable zoning ordinance. Where no such ordinance exists, the minimum setback from the right-of-way line shall be as follows:

Street Type	Minimum Setback from the Required Right-of-way
Arterial Highway	Forty feet (40')
Collector Street	Thirty feet (30')
Minor Street excluding service drives and driveways	Twenty-five feet (25')

ii. Building setback lines for subdivision or land development fronting on streets which do not meet the right-of-way requirements of the ordinance for Arterial, Collector, or Minor Streets, shall be measured from the center line of the existing street based on the designation of the Commission as to the type of street, and the minimum setback shall be as follows:

Street Type	Minimum Setback from Center Line
Arterial Highway	As required by the Commission
Collector Street	Sixty feet (60')
Minor Street excluding service drives and driveways	Fifty feet (50)

iii. Where an existing building line is established, on at least fifty percent (50%) of the properties in a block in which the proposed subdivision is located or within two hundred feet (200') immediately adjacent to the proposed subdivision, the required minimum may be increased or decreased to conform with such established building line.

iv. On a corner lot, the setback from each adjacent street shall be applicable.

v. In a recreational vehicle park or campground setback lines must conform to any applicable zoning requirements. Where no such requirements exist, the minimum setback from the right-of-way line of a dedicated public street shall be designated in paragraphs i, ii, and iii above.

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

k. SIDE AND REAR BUILDING LINES:

i. Building lines shall not be less than fifteen feet (15') from the side lot lines and twenty-five feet (25') from the rear lot line.

ii. In a recreational vehicle park or campground, side and rear building lines shall be not less than ten feet (10') from the lot line on each side and from the rear lot line of each recreational vehicle or campground lot and not less than twenty-five feet (25') from the recreational vehicle park or campground property line on the sides and rear not adjacent to a dedicated public street right-of-way.

l. SPACE BETWEEN BUILDINGS FOR LAND DEVELOPMENT:

i. The space between buildings where land development is proposed shall be provided in accordance with the following schedule:

Building Orientation (See Note)	Space Between Buildings in Feet
F to F	70'
F to S	50'
F to R	70'
S to R	30'
S to S	30'
R to R	50'
C to C	20'

Note: F=Front S=Side R=Rear C=Corner

ii. The space between buildings shall be increased one foot (1 ') for each additional foot that the height of the building exceeds thirty-five feet (35').

m. The land upon which two single family semi-detached houses are situated may be considered for subdivision to divide the land at the party wall without the modification of requirements first being granted for substandard lot areas or lot widths, provided that the building was in existence prior to the date of this ordinance.

n. ACCESSORY BUILDINGS:

i. When the subdivision of lots is proposed, an accessory building may be erected within one of the side yards or rear yard provided such accessory building be located not less than five feet (5') from the side or rear lot line or ten feet (10') from any building except when an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.

ii. When a land development is proposed, only one accessory building shall be permitted for each principle building, and such accessory building may be located within the S to R, S to S or R to R spaces

between buildings and shall set back from the property lines or other buildings not less than ten feet (10'), or a distance equal to the maximum height of the accessory building, whichever is the greater. An accessory building shall not be permitted in the F to F, F to S, F to R, or C to C spaces between buildings. Note: F=Front S=Side R=Rear C=Corner

Section 4.05 EROSION AND SEDIMENT CONTROL

1. All plans must meet Perry County Conservation District requirements and/or current Department of Environmental Protection requirements, as applicable.

Section 4.06 GRADING AND DRAINAGE

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

1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board of Supervisors.
2. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlets 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 sodded or planted as required, and shall be of such slope, shape and size as to conform with the requirements established by the Township Supervisors.
3. Concentration of surface water runoff shall only be permitted in swales or watercourses.
4. Driveways and streets shall be designed and constructed to prevent water runoff flowing directly onto streets.
5. Excavation and fills:

- a. The slope of banks shall be no steeper than the following:
 - i. Maximum of 3:1 (horizontal to vertical for fills;
 - ii. Maximum of 2:1 (horizontal to vertical for cuts.
- b. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- c. Cut and fills shall not endanger adjoining property.
- d. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- e. Fills shall not encroach on natural watercourses or constructed channels.
- f. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- g. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Board of Supervisors and other landowners.
- h. During grading operations, necessary measures for dust control shall be exercised.
- i. Grading equipment will not be allowed to cross streams. Provision will be made for the installation of culverts or bridges in accordance with the applicable regulations established by the Department.

Section 4.07 RESPONSIBILITIES

1. Whenever sedimentation is caused by stripping vegetation, regrading or other development, 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.
2. Maintenance of all drainage facilities and watercourses within any division or land development is the responsibility of the Applicant until they are accepted by the Township or some other official agency, after which they become the responsibility of the accepting agency.
3. 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 floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.
4. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
 - a. Collect on-site surface runoff and dispose of it to the point of discharge into a common natural watercourse of the drainage area.

- b. Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.
 - c. Pay the total cost of off-site improvements including easement cost, if applicable, to the common natural watercourse, based on a fully developed drainage area.
 - d. Provide and install at his expense, in accordance with Township requirements, all drainage and erosion control improvements.
5. No person, corporation or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Township.
6. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way, conforming substantially to the line of such watercourse, and of such width as will be adequate to preserve natural drainage.
7. Each person, corporation or other entity which makes any surface changes shall be required to: (temporary and permanent).
8. Easements for such common natural watercourse improvements shall be dedicated to the Township.

ARTICLE 5 STORMWATER MANAGEMENT

Section 5.01 PURPOSE

The purpose of this Article is to promote the public health, safety and welfare by establishing a comprehensive storm water management program designed to:

1. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
2. Utilize and preserve the desirable existing natural drainage systems within the Township.
3. Encourage recharge of groundwater.
4. Maintain the existing flow and quality of watercourses in the Township and the Commonwealth.
5. Preserve and restore the flood carrying capacity of watercourses.
6. Provide for proper maintenance of all permanent storm water management facilities which are constructed in the Township.

Section 5.02 APPLICABILITY

The provisions, regulations, limitations and restrictions of this Article shall apply to the following activities:

1. Development of any agricultural building, commercial use, industrial use, multifamily dwelling unit, mobile home park, school, church, lodge, club, or any other use determined by the Board of Supervisors to be of similar character.
2. Development of any use where the total combined area of all proposed impervious and semi pervious surfaces amounts to: (a) more than five thousand (5,000) square feet, or (b) more than forty percent (40%) of the total area of development (excluding undeveloped or future development areas); whichever is the lesser.
3. Development of any kind where a preliminary subdivision or land development plan is required by the Township Subdivision and Land Development Ordinance.
4. Diversion or piping of any natural or manmade stream channel.
5. Installation of storm water runoff systems or appurtenances thereto.
6. Any other development where the Board of Supervisors determines that said development may adversely affect any existing watercourse, any existing storm water management facilities or any existing storm water runoff patterns.

Section 5.03 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Approvals issued pursuant to this Article do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of storm water or erosion and sedimentation control or contained in other codes, rules, acts or ordinances, the more stringent regulation shall apply.

Section 5.04 GENERAL REQUIREMENTS

1. The calculated peak rates of runoff for storm water originating on the project site must meet the following conditions for all watersheds flowing from the project site:
 - a. The two (2) year post-development peak flow must be less than or equal to the two (2) year pre-development peak flow.
 - b. The ten (10) year post-development peak flow must be less than or equal to the ten (10) year pre-development peak flow.
 - c. The twenty-five (25) year post-development peak flow must be less than or equal to the twenty-five (25) year pre-development peak flow.
 - d. The one hundred (100) year post-development peak flow must be less than or equal to the one hundred (100) year pre-development peak flow.
2. All storm water management plans shall be designed and certified by individuals registered in the Commonwealth of Pennsylvania and qualified to perform such duties. All storm water design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.
3. Where applicable, storm water management facilities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
4. Storm water management facilities which involve a State highway shall also be subject to the approval of the Pennsylvania Department of Transportation.
5. Storm water management facilities located within or affecting the floodplain of any watercourse shall also be subject to the requirements of the Spring Township Floodplain Ordinance as amended.
6. Storm water runoff from a project site shall flow directly into a natural watercourse or into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics of the predevelopment flow.
7. Storm water runoff shall not be transferred from one watershed to another unless the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property, or the effect of the transfer does not alter the peak discharge onto adjacent lands, or drainage area easements from the affected landowners are provided.

8. All storm water runoff flowing over the project site shall be considered in the design of the storm water management facilities.

Section 5.05 METHODS OF CALCULATION OF RUNOFF

1. The methods of computation used to determine peak discharge and runoff shall be:
 - a. For Drainage areas greater than one hundred (100) acres -The USDA Soil Conservation Service Soil-Cover Complex Method as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55, as published by NRCS.
 - b. For Drainage areas one hundred (100) acres or less -The Rational Method of $Q = CIA$ where Q is the peak discharge of the watershed in cubic feet per second, C is the coefficient of runoff, I is the intensity of rainfall in inches per hour and A is the area of the watershed in acres.
 - c. Any other method approved by the Township Engineer.

If the Soil-Cover-Complex Method is used, storm water runoff shall be based on the following twenty-four (24) hour storm events:

Storm Event	Inches of Rainfall
2 Years	2.9
5 Years	3.8
10 Years	4.6
25 Years	5.0
50 Years	5.7
100 Years	6.3

If the Rational Method is used, the Rainfall Intensity -Duration -Frequency Chart shown in the Pennsylvania Department of Transportation, Design Manual 2, as amended, shall be used to determine the rainfall intensity in inches per hour.

Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and grades, sizes and capacities of water carrying structures, sediment basins, retention and detention structures and sufficient design information to construct such facilities. Runoff calculations shall also indicate both pre-development and post-development rates for peak discharge of storm water runoff from the project site.

For the purpose of calculating pre-development on-site and offsite peak discharges, all runoff coefficients shall be based on actual land use assuming good land conditions.

Section 5.06 DESIGN STANDARDS: WATER CARRYING FACILITIES

1. All storm sewer pipes, culverts, bridges, open channels, swales and other water carrying facilities (excluding detention and retention basins) conveying water originating only from within the boundaries of the project site shall be designed for a ten (10) year storm event. All storm sewer pipes, culverts, bridges, open channels, swales and other water carrying facilities (excluding detention and retention basins) conveying water originating from off-site shall be designed for a twenty five (25) year storm event. In all cases the design must show that the one hundred (100) year storm water runoff will be conveyed safely and without property damage through the project site.
2. All storm sewer pipes, culverts, manholes, inlets, endwalls and end-sections shall be constructed in accordance with Pennsylvania Department of Transportation, Publication 408, as amended. All storm water design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.
3. Storm sewer pipes and culverts which are intended to be dedicated to the Township shall be made of reinforced concrete or smooth-lined high density polyethylene, and shall have a minimum diameter of fifteen (15) inches and shall be installed on sufficient slope to provide a minimum velocity of three (3) feet per second when flowing full. All pipes shall be installed per the manufacturer's specifications.
4. All storm sewer pipes and culverts shall be laid to a minimum depth of one (1) foot from subgrade to the crown of pipe.
5. Endwalls shall be used where storm water runoff enters or leaves the storm sewer horizontally from a natural or manmade channel.
6. Inlets shall be placed on both sides of the street at low spots, at a maximum of four hundred (400) feet apart along a storm sewer pipe or culvert, at points of abrupt changes in the horizontal or vertical directions of storm sewers, and at points where the flow in gutters exceeds three (3) inches. Inlets shall normally be along the curb line at or beyond the curb radius points. For the purpose of inlet location at corners, the depth of flow across the through streets (proposed and existing) shall be depressed two (2) inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets.
7. At locations where inlets are not required to handle surface runoff.
8. Storm water roof drains and pipes, wherever possible, shall discharge water into a storm water runoff dispersion and infiltration control device and not into storm sewer or street gutters. In no case shall any roof drain discharge within a street right-of-way.
9. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Township.
10. Flow velocities from any storm sewer may not result in a deflection of the receiving channel.
11. Energy dissipaters shall be placed at the outlets of all storm sewer pipes, culverts and bridges where flow velocities exceed maximum permitted channel velocities.
12. The following conditions shall be met for all swales:

a. Capacities and velocities shall be computed using the Manning equation. The procedures presented in DEP's Erosion and Sediment Pollution Control Program as amended shall be utilized to design swales.

b. All swales shall be designed to concentrate low flows to minimize siltation and meandering.

13. Manning "n" values used for design of pipes and culverts shall be in accordance with standard engineering practice.

Section 5.07 DESIGN STANDARDS: DETENTION AND RETENTION BASINS

1. Permanent detention and retention basins shall be designed to meet the following standards:

a. The maximum water depth shall not exceed six (6) feet.

b. The minimum top width of all berms shall be five (5) feet.

c. The side slopes shall not be less than three (3) horizontal to one (1) vertical in full and two (2) horizontal to one (1) vertical in cut.

d. One foot of freeboard over the one hundred (100) year storm water surface elevation passing through the emergency spillway shall be provided

e. All basins shall be structurally sound and shall be constructed of sound and durable materials. The completed structure and the foundation of all basins shall be stable under all probable conditions of operation. An emergency spillway shall be provided for the basin and shall be capable of discharging the one hundred (100) year peak rate of runoff which enters the basin after development, in a manner which will not damage the integrity of the facility and will not create a downstream hazard. Where practical, the emergency spillway shall be constructed in undisturbed soil. An easement shall be provided from the spillway to a natural or manmade watercourse.

f. All basins shall include an outlet structure to permit draining the basin to a completely dry position within twenty-four (24) hours following the end of the design rainfall.

g. All structures passing through basin embankments shall have properly spaced anti-seep collars.

h. All discharge control devices and piping with appurtenances shall be made of reinforced concrete and stainless steel.

i. Minimum slope within a basin shall be one percent (1 %) positive grade toward the outlet structure.

j. Design storms for the computation of detention basin volumes shall be based upon a twenty-four (24) hour duration storm.

k. Design storms for the computation of retention basins volumes shall be based upon a twenty-four (24) hour duration storm.

2. The effect on downstream areas if the basin embankment fails shall be considered in the design of all basins. Where possible, the basin shall be designed to minimize the potential damage caused by such failure of the embankment.
3. All outlet structures and emergency spillways shall include a satisfactory means of dissipating the energy of flow at its outlet to assure conveyance of flow without endangering the safety and integrity of the basin and the downstream drainage area.
4. All stormwater design, assumptions, methods, data, etc., must be presented in a manner acceptable to the Township Engineer.

Section 5.08 EXEMPTIONS

1. Agriculture -when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Perry County Conservation District. The agricultural activities such as growing crops, rotating crops, tilling of soil and grazing animals and other activities are specifically exempt from complying with the requirements of this Article.
2. Forest management operations -which are following the DEP management practices contained in its publication Soil Erosion and Sedimentation Control Guidelines for Forestry and are operating under an erosion and sedimentation control plan are specifically exempt from complying with the requirements of this Article.

Section 5.09 STORMWATER PLAN CONTENTS

The following items shall be included in the stormwater management plan.

1. Plans showing the following information:
 - a. General.
 - i. All plans shall be on sheet sizes not larger than twenty-four inches by thirty-six inches (24" x 36").
 - ii. Proposed name or identifying title of project.
 - iii. Name and address of the landowner and developer of the project site.
 - iv. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be a scale of ten (10), twenty (20), forty (40) or fifty (50) feet to the inch.
 - v. Total acreage of the project site and the tract of land on which the project site is located.
 - vi. A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and Township boundaries existing within one thousand (1,000) feet of any part of the tract of land on which the project site is proposed to be developed.
 - b. Existing Features.

- i. Tract boundaries showing distances, bearings and curve data, as located by field surveyor by deed plotting.
 - ii. Existing contours at vertical intervals of two (2) feet for land with an average natural slope of four percent (4%) or less and at vertical intervals of five (5) feet for more steeply sloping land, except that for residential and agricultural uses where a preliminary subdivision or land development plan is not required by the Township Subdivision and Land Development Ordinance no contours shall be required; however, the plan should indicate the natural drainage patterns of the site along with the approximate grade of all slopes. Where contours are shown, the location of the benchmark and the datum used shall also be indicated.
 - iii. The names of all owners of all immediately adjacent unplatted land, the names of all proposed or existing developments immediately adjacent, and the locations and dimensions of any streets or easements shown thereon.
 - iv. The names, locations and dimensions of all existing streets, railroads, watercourses, drainage facilities, floodplains and other significant features within two hundred (200) feet of any part of the tract proposed to be developed and the location of all buildings and approximate location of all tree masses within the tract.
 - v. Soil types as designated by the USDA SCS Soil Survey of Cumberland and Perry Counties. The proposed land use, the number of lots and dwelling units and the extent of commercial, industrial or other nonresidential uses.
- c. Proposed Features.
- i. The proposed land use, the number of lots and dwelling units and the extents of commercial, industrial, or other nonresidential uses.
 - ii. The locations and dimensions of all proposed streets, parks, playgrounds and other public areas, sewer and water facilities; lot lines and building locations, and parking compounds and other impervious and semi-pervious surfaces.
 - iii. The proposed changes to land surface and vegetative cover including areas to be cut or filled.
 - iv. Final contours at vertical intervals of two (2). Where existing contours are not shown or where proposed contour lines cannot be accurately located (i.e., as in a single family detached residential development when the building has not been determined), arrows indicating general surface runoff flow patterns shall be shown.
- d. Storm Water Management Facilities.
- i. All storm sewers along with any proposed connections to existing facilities.
 - ii. Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.

iii. Other control devices or methods such as roof-top storage, grass swales, parking lot ponding, vegetated strips, and detention or retention basins.

iv. Plans and profiles of all proposed stormwater management facilities including vertical and horizontal alignment, size and type of material. This information shall be of the quality required for the construction of all facilities.

v. When plan applications, whether preliminary or final, are submitted in sections, a generalized storm water management plan for the entire project site shall be submitted in addition to the detailed storm water management plan for the proposed section. This generalized plan shall demonstrate how the storm water of the proposed section will relate to the entire development. The amount and velocity at the discharge point of the section shall be included in the data submitted. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted plans.

vi. A note on the plan indicating any area that is not to be offered for dedication along with a statement that the Township is not responsible for maintenance of any area not dedicated to and accepted for public use, and that no alteration to swales, or basins, or placement of structures shall be permitted within easements.

vii. A certificate, signed and sealed, stating, "I, (plan preparer), do hereby certify to the best of my knowledge, information, and belief, that the information contained in the accompanying plans, specifications, and report have been prepared in accordance with accepted engineering practice and the Spring Township Subdivision and Land Development Ordinance, are true and correct." by an individual registered in the Commonwealth of Pennsylvania and qualified under all applicable local and State laws to perform such duties, indicating the compliance of the design of storm water management facilities with the provisions of this Article.

2. Written Report, Including the Following Information:

a. Stormwater runoff calculations for both pre-development and post-development conditions.

b. An ownership and maintenance program that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities and erosion and sedimentation control facilities, including:

i. Description of temporary and permanent maintenance requirements.

1). Removal of all silt and all debris from basins, traps or other structures or measures when sixty percent (60%) of capacity is filled with silt; provided, however, that in no case shall the sediment level be permitted to build up higher than one (t) foot below the principal outlet crest. At this elevation, clean out shall be performed to restore the original design volume to the basin or other structure. The elevation corresponding to the maximum allowable sediment level shall be determined and stated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the riser to enable proper maintenance.

2). Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures.

3). Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established.

4). Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.

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

iii. Establishment of suitable easements for access to all facilities.

iv. The intent of these regulations is to provide private ownership and maintenance of storm water management and erosion and sedimentation control facilities. Where the storm water management plan proposes that the Township owner maintain the facilities, a description of the methods, procedures, source of funds to maintain the facilities and the extent to which any facilities shall be turned over to the Township shall be incorporated as an integral part of the plan.

3. A DEP permit for any storm water management facility requiring a permit to be issued by DEP.

4. A Pennsylvania Department of Transportation Highway Occupancy Permit for any storm water management facility proposed within the right-of-way of a PennDOT road.

Section 5.10 MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES DURING DEVELOPMENT

1. Maintenance of storm water management facilities during development of a project site shall be the responsibility of the developer and the landowner.

2. Maintenance of storm water management facilities during development of a project site shall include, but not be limited to:

a. Removal of all silt and all debris from basins, traps or other structures or measures when sixty (60%) of capacity is filled with silt; provided, however, that in no case shall the sediment level be permitted to build up higher than one (1) foot below the principal outlet crest. At this elevation, clean out shall be performed to restore the original design volume to the basin or other structure. The elevation corresponding to the maximum allowable sediment level shall be determined and slated in the design data as a distance below the top of the riser. The elevation shall be clearly marked on the riser to enable proper maintenance.

b. Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures.

c. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established.

d. Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.

e. Removal of all temporary storm water management control facilities upon installation of permanent storm water management facilities at completion of the development.

Section 5.11 MAINTENANCE OF FACILITIES BY PRIVATE ENTITY

In cases where permanent storm water management facilities are to be owned by a private entity (such as a homeowner's association), such entity shall be responsible for maintenance of the facilities. In this case a legally binding agreement between the entity and the Township shall be made providing for maintenance of all permanent storm water management facilities, and allowing inspection by the Township of all such facilities deemed critical to the public welfare at any reasonable time.

Section 5.12 MAINTENANCE OF FACILITIES BY LANDOWNER OF INDIVIDUAL LOT

1. When stormwater management facilities are to be located on an individual lot, and when they are the responsibility of that landowner to maintain, a description of the facility and the terms of the required maintenance shall be shown on the storm water management plan and shall be incorporated as part of the deed to the lot.
2. Stormwater management facilities existing on the effective date of this subsection on individual lots which have not been accepted by the Township or for which maintenance responsibility has not been assumed by private entity such as a homeowner's association shall be maintained by the individual property owners.
3. If the Township determines at any time that any permanent storm water management facility has been eliminated, altered or improperly maintained, the landowner of the lot shall be advised of corrective measures required and given a reasonable period of time, not to exceed thirty (30) days, within which to take such corrective action. If such corrective action is not taken by the landowner, the Township may cause the work to be done and shall take appropriate action to file a municipal claim pursuant to the Pennsylvania Municipal Claims and Tax Liens Act, Act of May 15, 1923, P.L 207, as amended and supplemented, as a lien against the real property upon which the work was done.

Section 5.13 RIGHT-OF-ENTRY ONTO PROPERTY

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Article.

ARTICLE 6 IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

Section 6.01 REQUIREMENT OF APPLICANT

The Applicant shall provide all improvements required by, and in accordance with, the regulations and standards of this Ordinance.

Section 6.02 MONUMENTS AND MARKERS

1. Monuments must be set:
 - a. At the intersection of all proposed street right-of-way lines.
 - b. At all major corners between property owners in the boundaries of the subdivision. There shall be a minimum of three monuments set for the boundaries of any subdivision. There shall be one monument situated on every two lots.
 - c. At such intermediate points as may be required by the Township Planning Commission.
2. Markers must be set:
 - a. At all corners, except those monumented.
 - b. Prior to final plan approval of all subdivisions. The property owner may place a security deposit in lieu of placement if construction activities would disturb markers placed at time of approval.
3. Monuments and markers shall be made of the following size and material:
 - a. Monuments shall be six inches (6") square or four inches (4") in diameter and shall be thirty inches (30") long. Monuments shall be made of concrete, stone, or by setting a four inch (4") cast iron or steel pipe filled with concrete.
 - b. Markers shall be three quarters of an inch (3/4") square or three quarters of an inch (3/4") in diameter, thirty inches (30") long. Markers shall be made of iron pipes or iron or steel bars.
4. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. At the discretion of the surveyor, monuments may be set so that the top is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.
5. A professional land surveyor shall certify in writing on the survey plan that the monuments and markers have been installed in accordance with the provisions of this Section.

Section 6.03 STREET SURFACING

1. Pavements

Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Supervisors. Before paving the street surface, the

applicant must install the required utilities and provide, where necessary, adequate stormwater drainage for the street, acceptable to the supervisors. Travel lanes shall be constructed with a two percent (2%) slope away from the centerline of the street. The pavement base and wearing surface must be in accordance with, and constructed in accordance with the Pennsylvania Department of Transportation, Publication 408 Specification, as amended.

Flexible Pavements	Type
Surface	Superpave Asphalt Mixture Design HMA Wearing Course, PG 64-22, <0.3Million ESALS, 9.5 MM Mix, 1 ½ Depth, SRL-H
Base	Superpave Asphalt Mixture Design HMA Wearing Course, PG 64-22, <0.3Million ESALS, 37.5 MM Mix, 4” Depth, SRL-H
Subbase	AASHTO Number 2A

The Supervisors shall decide if a collector or arterial street is required as a direct result of the construction of this subdivision in which case the applicant is responsible for paving the additional width required.

2. Shoulders

The shoulders shall be the same type and depth of material specified for the cartways. Shoulders shall be constructed with a four percent (4%) slope away from the centerline of the street.

3. Driveway Entrances

- a. Where a proposed driveway provides access onto a Township road a permit shall be required to connect said driveway. Construction shall be in accordance with the Spring Township Driveway Ordinance.
- b. Where a proposed driveway provides access onto a State Highway (State Route, Pennsylvania Route or United States Route) the design of such driveway access and drainage shall be prepared in accordance with the requirements of the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department.

Section 6.04 SEWERS AND WATER

1. Where a public sanitary sewer system is within one thousand feet (1000') of, or where plans approved by the Township provide for the installation of such public sanitary sewer facilities to within one thousand feet (1000') of, a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system as designed by a Registered Engineer if, in the Township

Supervisors opinion, it is feasible and in accordance with the Township Official Sewage Facilities Plan.

2. Where the installation of a sanitary sewer system is not required, the Subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, the individual on-lot sewage disposal system required and approved by the Township, consisting of a septic tank and tile absorption field or other approved sewage disposal systems. All such individual sewage disposal systems shall be located in accordance with all applicable legal requirements of the Township, and shall be constructed in accordance with the *Rules and Regulations* of the Pennsylvania Department of Environmental Protection, and shall be inspected and approved by the Township Sewage Enforcement Officer.

3. Where a water main supply system is within one thousand feet (1000') of, or where plans provide for the installation of such public water facilities the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with the Township specifications.

4. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply in accordance with the *Rules and Regulations* of the Pennsylvania Department of Environmental Protection, and in accordance with the provisions of this Section as to source and installation.

5. Water supply facilities will be designed so as to provide adequate supply and pressure for domestic use and for fire-fighting purposes as determined by the Township Engineer. Public water supply wells should conform to Pennsylvania Department of Environmental Protection standards for public water supply wells, as may be amended from time to time.

6. Water supply wells for drinking water shall conform to the standards provided in Article 4 of this Ordinance.

Section 6.05 CURBS AND GUTTERS

Wherever a proposed subdivision or land development shall average three or more lots per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within one thousand feet (1000') of any existing or recorded subdivision having curbs, curbs shall be installed on each side of the street surface in accordance with the Township specifications. The Township Supervisors may require installation of curbs in any subdivision where the evidence indicates that such improvements are necessary for proper drainage.

1. Curbs, gutters, or combination curbs and gutters shall be plain cement concrete and shall be constructed according to the specifications of the Pennsylvania Department of Transportation Form 408 Specifications, 1976, as amended.

2. Where vertical curbs are provided they shall be not less than seven inches (7") wide at the top and eight inches (8") wide at the bottom. The overall depth of the curb shall be not less than twenty inches (20"). The curbs shall rest on a six inch (6") crushed stone base.

3. The cross-sections of gutters and combination curbs and gutters shall be constructed in accordance with the details shown on the engineering specifications of the Township.
4. Curbs and gutters shall be set and finished to the lines and grades given on the approved drawings.

Section 6.06 SIDEWALKS

Wherever a proposed subdivision shall average three or more lots per gross acre included in the subdivision, or where any subdivision is immediately adjacent to or within one thousand feet (1,000') of, any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Township specifications. The Township may require installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for the public safety.

1. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.

Sidewalks must be at least four feet (4') wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five feet (5') wide and located within the street right-of-way.

Sidewalks shall be constructed according to the specifications as set forth in Section 676 "Cement Concrete Sidewalks" in the Pennsylvania Department of Transportation Form 408 Specifications, 1976, as amended.

Section 6.07 STREET NAME SIGNS

The Subdivision or Land Development shall be provided with street name signs at all intersections. Such signs shall conform to Township Specifications and shall be installed by the Subdivider or Applicant at his expense in a manner specified by the Township Engineer.

ARTICLE 7 MOBILE HOME PARKS

Section 7.01 GRANT OF POWER

The Board of Supervisors may establish provisions regulating mobile home parks in a separate and distinct Article of any subdivision and land development ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code" Act 247, as amended by Act 170, 1988, Article V, Section 501.

Section 7.02 PURPOSE, AUTHORITY AND JURISDICTION

The purpose, authority and jurisdiction for land development as a mobile home park are the same as contained in Article 1 of this Ordinance.

Section 7.03 PLAN REQUIREMENTS AND PROCESSING PROCEDURE

The Plan requirements and processing procedure for land development as a mobile home park shall be in accordance with the requirements contained in Article 3 of this Ordinance. All legal requirements the Township, County, and Commonwealth shall be met prior to the approval of a mobile home park.

Section 7.04 DESIGN STANDARDS

The arrangement and other design standards of streets, easements, blocks, lots, recreation areas and erosion and sedimentation control shall be in accordance with the requirements contained in Article 4 of this Ordinance except as specified below:

1. Street Widths in Mobile Home Parks
 - a. The minimum street right-of-way and cartway widths of public or private streets shall be as follows:

STREET RIGHT-OF-WAY AND CART WIDTHS

Street Types	Width
Collector Streets	
Right-of-way	60 feet
Cartway	20 feet
Shoulders	4 feet on each side
Minor Streets	
Right-of-way	50 feet
Cartway	20 feet

Shoulders	4 feet on each side
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b. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township Supervisors in specific cases for:

- i. Public safety and convenience.
- ii. Where the number of mobile homes proposed to be located in a mobile home park exceeds one hundred (100) units.
- iii. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

2. Lots in Mobile Home Parks

a. On land laid out as a mobile home park not served by a public or mobile home park water system and a public or park sewerage collection and treatment system, where the lots have met the necessary percolation and soil survey requirements and have been approved by the Department of Environmental Protection, and where all other applicable legal requirements of the Township have been met, the lots shall not be less than one hundred feet (100') wide measured at the minimum required setback line nor less than one and one half (1 1/2) acres or sixty-five thousand three hundred forty (65,340) square feet in area per mobile home unit, exclusive of streets and other public uses.

b. On land laid out as a mobile home park, served by a public or mobile home park water system and not served by a public or park sewerage collection and treatment system, where the lots have met the necessary percolation and soil survey requirements and have been approved by the Department of Environmental Protection, and where all other applicable legal requirements of the Township have been met, the lots shall be not less than one hundred (100) feet wide measured at the minimum required setback line nor less than forty-three thousand five-hundred sixty (43,560) square feet in area, per mobile home unit, exclusive of streets and other public uses.

c. On land laid out as a mobile home park, served by both a public or mobile home park water system and a public or mobile home park sewerage collection and treatment system acceptable to the Department of Environmental Protection, and where all other applicable legal requirements of the Township have been met, the lots shall be not less than sixty (60') feet wide measured at the minimum required setback line nor less than one half (1/2) acre or twenty-one thousand seven hundred eighty (21,780) square feet in area, per mobile home unit exclusive of streets and other public areas. All mobile homes will be separated by a minimum of fifty feet (50').

3. Building Setback Lines

a. In a mobile home park, the minimum setback line from the right-of-way line of a dedicated public street shall be as follows:

Minimum Setback from the Required

Street Type	Right-of-way
Arterial Highway	Forty feet (40)
Collector Street	Thirty feet (30)
Minor Street	Twenty feet (20)

b. In a mobile home park the setback lines on a private street shall be as follows:

Minimum Setback from the Required

Street Type	Right-of-way
Collector Street	Fifteen feet (15')
Minor Street	Ten feet (10')

4. Side and Rear Building Lines Right-of-Way Fifteen feet (15') Ten feet (10')

In a mobile home park, side and rear building lines shall not be less than ten feet (10') from the side and rear lot lines of each mobile home lot, and not less than sixty feet (60') from the mobile home park property lines on the sides and rear not adjacent to a dedicated public street right-of-way.

5. Off-Street Parking Requirements

- a. In a mobile home park, paved off-street parking areas shall be provided at the rate of not less than two (2) vehicular parking spaces for each mobile home lot.
- b. Each such off-street parking space shall contain not less than three hundred (300) square feet and shall be located within three hundred feet (300') of the mobile home lot it is intended to serve.

6. Park Areas for Non-Residential Uses

- a. In a mobile home park no part of the park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and wellbeing of the park residents and for management and maintenance of the park.

Section 7.05 IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

In a mobile home park all improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with Article 4 of this ordinance and shall also provide the following additional improvements.

1. Buffer Strips

In a mobile home park, a suitably screened or landscaped buffer strips at least 10 feet wide approved by the Township Supervisors shall be provided by the Applicant along all the property lines separating the mobile home park from adjacent uses.

2. Walks

a. General Requirements. All walks shall provide safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

b. Common Walk System. Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such walks shall have a minimum width of three and one-half feet (3 1/2).

c. Individual Walks. All mobile home spaces shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a street. Such individual walks shall have a minimum width of two feet (2').

3. Open Space Requirements

All mobile home parks shall provide and so indicate on the plan of the mobile home park, suitable areas of recreation and open space uses by using the standard of ten percent (10%) of the total area of the mobile home park of which one-half (1/2) of the area shall be in one place. The remainder may be used to provide pedestrian connecting links to the recreation areas.

a. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park.

b. The open spaces shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface.

c. The open space must be maintained by the mobile home park operator or a *bona fide* homeowners association, until and unless the open space has been accepted for dedication to the Township.

4. Water Supply and Distribution

a. Source of Supply

i. The water supply shall be capable of supplying a minimum of three-hundred (300) gallons per day per mobile home.

ii. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

iii. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in

or otherwise enclosed, unless such rooms whether above or below ground have free drainage by gravity to the surface of the ground.

iv. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

v. All drinking water supply wells shall be installed in accordance with Section 6.04 of this Ordinance.

b. Water Storage Facilities

All water storage reservoirs shall be covered watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping caverns, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap. A minimum of one average daily demand shall be provided in storage or by back up wells.

c. Water Distribution System

i. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with all applicable Commonwealth and Township regulations.

ii. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back-flow or back-siphonage.

iii. The system shall be so designed and maintained as to provide a pressure of not less than twenty pounds per square inch (20 psi), under normal operating conditions, at service building and other locations requiring potable water supply.

iv. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the Municipal Authority or Township Board of Supervisors.

d. Individual Water-Riser Pipes and Connections

i. Individual water-riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

ii. The water-riser pipe shall have a minimum inside diameter of three-quarters of an inch (3/4") and terminate at least four inches (4") above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

iii. Adequate provisions shall be made to prevent freezing of the service lines, valves and riser pipe and to protect risers from heaving and shoving actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

iv. A shut off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

Section 7.06 SEWAGE DISPOSAL

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 systems shall be designed, constructed and maintained in accordance with the regulations of the Pennsylvania Department of Environmental Protection, and all applicable legal requirements of the Township.

1. Individual Sewer Connections

- a. Each mobile home stand shall be provided with at least a four inch (4") diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- b. The sewer connection shall have a nominal inside diameter of not less than three inches (3"), and the slope of any portion thereof shall be at least one-quarter of an inch (1 /4") per foot. All joints shall be watertight.
- c. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
- d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least two inches (2") above ground elevation.

2. Sewer Lines

Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least ten feet (10') from each other, except that these may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and shall have watertight joints.

3. 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 Pennsylvania Department of Environmental Protection prior to construction.

Section 7.07 ELECTRICAL DISTRIBUTION SYSTEM

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

1. Power Distribution -Lines

- a. Power lines shall be located underground.

b. All direct burial conductors or cable shall be buried at least eighteen inches (18") below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot (1 ') radial distance from water, sewer, gas or communication lines.

2. Required Grounding

All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of ground metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment

3. Required Meter

Only one (1) mobile home shall be connected to each electrical meter.

Section 7.08 SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES IN MOBILE HOME PARKS

1. Structural Requirements for Building

a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b. All structures containing laundry and/or toilet facilities shall:

i. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant materials.

ii. Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than five percent (5%) of the floor area served by them.

iii. Have at least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.

iv. Locate toilets so that each is a separate compartment equipped with a self-closing door.

Section 7.09 REFUSE DISPOSAL

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollutions.

All refuse will be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one-hundred fifty feet (150') away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the containers shall not overflow.

Section 7.10 FIRE PROTECTION

Where fire hydrants are not provided, fire extinguishers of a type approved by the Fire Underwriter Laboratories (A-B-C) classification type bearing the Underwriter's label, shall be accessible to each mobile home, or the mobile home park owner shall require each mobile home to be equipped with a fire extinguisher. Portable fire extinguishers of a type approved by the fire prevention authorities shall be maintained in all public service buildings under park control. Burning of refuse shall not be permitted.

Section 7.11 FUEL SUPPLY AND DISTRIBUTION

All piping from outside fuel storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. Any gas storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five feet (5') from any mobile home exit.

Section 7.12 OTHER SITE IMPROVEMENT

1. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
2. Tie downs to prevent the movement of the mobile home by natural causes shall be provided for each mobile home.
3. Each mobile home lot shall be provided with a four inch (4") concrete slab of a stable surface at least ten feet by eighteen feet (10' x 18') in size for use as a terrace and so located so as to be adjoining and parallel to the mobile home and not extend into the front, side, or rear yard. Such slab shall contain an electrical outlet to which the electrical system of the mobile home shall be connected.
4. Individual tenants at the Mobile Home Park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not encroach into the front, side or rear yard areas. A yard area is that area between a lot line or right-of-way line and the adjacent setback line.
5. Provision shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site proposed within the Mobile Home Park shall be subject to the approval of the State Department of Environmental Protection.

Section 7.13 FEES

At the time of filing the Preliminary Plan and Final Plan for the development of a tract of land for a Mobile Home Park, the Applicant shall be required to pay to the Township fees in accordance with the requirements of Article 10 of this Ordinance and secure a permit.

1. Mobile Home Park Permits

Any person intending to develop a tract of land as a mobile home park in the Township shall have a permit from the Township for each such park, issued in accordance with the following requirements:

- a. Such permit shall be issued by the Township Board of Supervisors upon proper application and submission of evidence of compliance with the provisions of this Ordinance and all other applicable legal requirements, and upon payment of a fee provided herein.
- b. Each permit shall be valid for one (1) year, from the date of issue.
- c. Each application for a permit shall be accompanied by a fee, payable to the Township, in the amount as established by Township resolution. The permit fee shall constitute the license fee for the first year with the date of notice of approval of the application.
- d. The first application for a permit for a mobile home park following the effective date of this Ordinance, shall be made to the Township Board of Supervisors on the form provided, and shall be submitted together with copies of the following.
 - i. A copy of the approved Final Plan signed by the proper officials.
 - ii. A receipt signed by the Recorder of Deeds, showing that the mobile home park Plan has been publicly recorded.
- e. An application for the annual renewal of a license shall be made by the holder of the license, to the Township Board of Supervisors on the form provided, at least fourteen (14) days preceding expiration of the preceding license period, shall be accompanied by a fee as established by the Township, and by any changes since the preceding license was issued. The Supervisors shall inspect each mobile home park prior to the issuance of a license for conformance with the provisions of this Ordinance and all of the applicable legal requirements.
- f. It shall be incumbent upon the proprietor of a Mobile Home Park to keep a register and to report therein the name of the person or head of family occupying each said mobile home, showing date of entry on said land, serial number, and make and size of the trailer, and the names of all persons using or living in said mobile home park.
- g. Said register and mobile home park shall be subject to inspection by the Township Supervisors annually or upon the written request of a resident at the park.

Section 7.14 MODIFICATIONS

The application for any modifications shall be in accordance with the requirements of Article 10 of this Ordinance.

Section 7.15 ENFORCEMENT, PENALTIES, SEVERABILITY AND AMENDMENTS

The enforcement, penalties, severability and amendments shall be in accordance with the rules and regulations of Article 11 of this Ordinance.

ARTICLE 8 CAMPGROUNDS

Section 8.01 PLAN REQUIREMENTS AND PROCESSING PROCEDURE

The Plan requirements and processing procedure for land development as a campground shall be in accordance with the requirements contained in Article 3 of this Ordinance. All other applicable legal requirements of the Township, County and Commonwealth shall be met prior to the approval of a campground.

Section 8.02 DESIGN STANDARDS

The arrangement and other design standards of streets, easements, blocks, lots, recreation areas and erosion and sedimentation control shall be in accordance with the requirements contained in Article 4 of this Ordinance except as specified below:

1. Street Widths in Campgrounds

a. Design and Construction standards for public streets shall be as contained in Article 4 and 5 of this Ordinance, except as provided in this Section. All streets shall have a minimum right-of-way of fifty feet (50').

b. Private Streets and Roads -each camping site shall front upon an approved street or road:

i. One way streets and roads with camping site parking shall have an improved surface of no less than fourteen feet (14').

ii. Two way streets and roads with camping site parking shall have an improved surface of no less than twenty-four feet (24').

iii. Streets and roads shall be graded to provide positive drainage from the road surface. Drains and culverts shall be provided as necessary to maintain proper drainage.

iv. Streets and roads shall have a maximum grade of ten percent (10%) except for sections of no more than four hundred feet (400') in length which may exceed ten percent (10%), but in no case shall exceed twelve percent (12%).

v. Streets and roads shall be all weather constructed. Road oil, calcium or other suitable material shall be applied in an amount and frequency as necessary to control dust.

Section 8.03 IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

In a campground park, all improvements, construction requirements and engineering specifications for the improvements required, shall be provided in accordance with Article 4 of this Ordinance and shall also provide the following additional improvements.

1. Buffer Strips

a. In a campground, a suitably screened or landscaped buffer strip at least forty feet (40') wide, approved by the Supervisors shall be provided by the Applicant along all the property lines separating the campground from adjacent uses.

Section 8.04 FEES

1. At the time of filing the Preliminary Plan and Final Plan for the development of a tract of land for a campground, the Applicant shall be required to pay to the Township fees in accordance with the requirements of Article 9 of this Ordinance and secure a permit.

2. Campground Permits

Any person intending to develop a tract of land as a campground in the Township shall have a permit from the Township for each campground issued in accordance with the following requirements:

a. Such permit will be issued by the Township Board of Supervisors, upon proper application and submission of evidence of compliance with the provisions of this Ordinance and all other applicable legal requirements, and upon payment of a fee provided herein.

b. Each permit shall be valid for one (1) year, from the date of issue.

c. Each application for a permit shall be accompanied by a fee, payable to the Township, as established by the Township. The permit fee shall constitute the license for the first year commencing with the date of notice of approval of the application.

d. The first application for a permit for a campground following the effective date of this Ordinance, shall be made to the Township Board of Supervisors on the form provided, and shall be submitted together with copies of the following:

i. A copy of the approved Final Plan signed by the proper officials.

ii. A receipt signed by the Recorder of Deeds, showing that the campground Plan has been publicly recorded.

e. Application for the annual renewal of a license shall be made by the holder of the license, to the Township Supervisors on the form provided, within fourteen (14) days preceding expiration of the preceding license period, shall be accompanied by a fee as required, and by any changes since the preceding license was issued. The Township Supervisors shall inspect each campground prior to the issuance of a license for conformance with the provisions of this Ordinance and all of the applicable legal requirements.

f. Each campground shall have an office in which shall be kept copies of all records pertaining to the management and supervision of the campground. Such records shall be available for inspection by the authorized officers of the Township and shall be on display in a conspicuous place on the premises at all times.

g. Register

It shall be the duty of the owner or his agent to keep a register of the "head of the family" accommodated in the campers or tents, their regular home address and the number and description of their automobiles or other vehicles. Said register shall be open at all times to the inspection by any authorized official of the Spring Township Board of Supervisors. The owner or his agent shall prescribe rules and regulations for the management at the campground and make adequate provision for the enforcement of such rules.

h. Revocation of Permit

Whenever, upon inspection of any campground, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or any regulation adopted pursuant thereto, the Township Supervisors or their representative shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated paragraphs of this Ordinance and shall advise them that unless such conditions or practices are corrected within the period of time specified in the notice, the permit to operate will be suspended. At the end of such period, each campground shall be re-inspected and, if such conditions or practices have not been corrected, the Township Supervisors shall give notice in writing of a hearing for the suspension of the campground permit to the person to whom the permit is issued.

2. In approving an application to alter any requirement of this Ordinance, the Board of Supervisors shall record its action and the grounds for the alteration, and shall provide written notification to the Applicant applying for the alteration.
3. Whenever a request for the alteration of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for such denial of any alteration to the Applicant requesting the alteration.

ARTICLE 9 FEES

Section 9.01 RESOLUTION

1. The Township Supervisors shall establish by resolution a collection procedure and schedule of fees to be paid by the Applicant at the time of submission of a Preliminary Plan or Final Plan.
 2. Fees for all other permits required for and by the Township shall be established by resolution.
- Said schedule of fees shall be posted in the office of the Township Supervisors.

Section 9.02 ENGINEERING REVIEW FEES

1. Municipal Engineering Review Fee

As costs are incurred, the Applicant shall pay by a check, payable to Perry County, in an amount established, and may be amended periodically by resolution of the Perry County Board of Commissioners. Proof of such payment is required to be provided to the PCPC. Said fee should be determined or approved by the Municipal Engineer and sufficient to cover the costs of:

- a. Reviewing the plan's engineering details.
 - b. Inspecting the site layout for conformance with the plat.
 - c. Reviewing cost estimates of required improvements (as applicable).
 - d. Inspecting required improvements during installation.
 - e. Final inspection on completion of installation of the required improvements.
 - f. Other engineering verifications required by this Ordinance.
2. The engineering fees required to be paid by this Article shall be promptly paid to the municipality by the Applicant, upon the submission of the bills therefor to the Applicant from time to time, as such fees are billed to the Township by its engineer.

ARTICLE 10 MODIFICATIONS

Section 10.01 SPECIAL CONDITIONS

Where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unreasonable hardship, the Board of Supervisors upon the recommendation of the Planning Commission after a thirty (30) day review period, may elect to waive certain requirements of this Ordinance, where such reasonable alterations will not be contrary to the public interest, health, safety or welfare and where the Applicant has demonstrated to the satisfaction of the Board of Supervisors that an alternative standard will provide equal or better results.

Section 10.02 APPLICATIONS FOR ALTERATION

Applications for any modifications shall be submitted to the Planning Commission in writing by the Applicant at the time the Application for Development is filed with the Planning Commission. The application shall state fully the grounds and all facts relied upon by the Applicant, and shall include other information which the Planning Commission may request in writing, if such additional information is necessary to review the application. An application shall not be considered as complete until such reasonable requests for information have been met by the Applicant.

Section 10.03. ALTERATION ACTION BY PLANNING COMMISSION

Completed applications for any alteration shall be reviewed within thirty (30) days by the Planning Commission. After review, the Planning Commission shall submit its recommendation to the Board of Supervisors in writing along with the reasons for such recommendation.

Section 10.04. ALTERATION ACTION BY THE BOARD OF SUPERVISORS

1. Upon receiving the recommendation of the Planning Commission, the Board of Supervisors shall review the application for alteration within thirty (30) days, and may either:
 - a. Approve the alteration request,
 - b. Approve the alteration request with such reasonable conditions as the Board deems are necessary to meet the intent of this Ordinance, or
 - c. Deny the application.
2. In approving an application to alter any requirement of this Ordinance, the Board of Supervisors shall record its action and the grounds for the alteration, and shall provide written notification to the Applicant applying for the alteration.
3. Whenever a request for the alteration of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial, and shall transmit a copy of the action and grounds for such denial to the Applicant requesting for the alteration.

ARTICLE 11 ENFORCEMENT, PENALTIES, AMENDMENT, AND ENACTMENT

Section 11.01 ADMINISTRATION AND ENFORCEMENT

1. This Subdivision and Land Development Ordinance shall be considered to set forth the minimum requirements for the protection of the public health, safety, comfort, property or general welfare, pursuant to the authority of the Pennsylvania Municipalities Planning Code Act as amended, or such statutes hereinafter in effect, and shall be construed most favorably to the Township as encouraging standards of planning and development exceeding these basic and minimum regulations.
2. The Spring Township Board of Supervisors is authorized to administer the provisions of this Subdivision and Land Development Ordinance as herein provided, and to enforce the provisions of this Ordinance.
3. In addition to other remedies provided herein, the Supervisors 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 transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
4. The Supervisors may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:

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

- a. The owner of record at the time of such violation; and
 - 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; and
 - 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.
5. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information necessary for him to ascertain that the site of the proposed system is acceptable in accordance with the provisions of this Ordinance, of the *Rules and Regulations* of the Department of Environmental Protection and any requirements of the Township pertaining to the issuance of such permit.

Section 11.02 AMENDMENTS

Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice as defined herein and in accordance with the "Pennsylvania Municipalities Planning Code", as amended.

Section 11.03 APPEALS

A subdivider or developer aggrieved by any action of the Township regarding refusal to approve a subdivision or land development plan may, within thirty (30) days of such refusal, appeal to the Common Pleas Court of Perry County. Any other appeals by aggrieved parties or other landowners shall be subject to the appeal procedures outlined in Article 10 of the Pennsylvania Municipalities Planning Code.

Section 11.04 PENALTIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. District Justices shall have initial jurisdiction in proceedings brought by the Township in accordance with this Section. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, until and unless the District Justice determines either that there has been only one violation, or that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

Section 11.05 VALIDITY

Should any section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 11.06 EFFECTIVE DATE

This Subdivision and Land Development Ordinance shall become effective by operation of law pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

Section 11.07 ENACTMENT

Duly Enacted and Ordained the _____, day of _____, in lawful session duly assembled.

Township Board of Supervisors of the Township of Spring Perry County, Pennsylvania

ATTEST:

Secretary

(TOWNSHIP SEAL)