SUSQUEHANNA
COUNTY
LEGAL ASS'N.

SUBDIVISION

and

LAND DEVELOPMENT

ORDINANCE

of

CLIFFORD TOWNSHIP

Susquehanna County
Pennsylvania

Effective Date

APRIL 6, 1992

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ARTICLE I

TITLE, AUTHORITY, AND PURPOSE

Section 101. TITLE

101.01 These regulations shall be known and may be cited as the "Clifford Township Subdivision and Land Development Ordinance."

Section 102. AUTHORITY

102.01 Grant of Power - The Clifford Township Board of Supervisors has jurisdiction and control of the subdivision of land within the Clifford Township limits as specified in the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, no. 170 (hereinafter) cited as "Act 170").

102.02 Adoption of Regulations - The Clifford Township Board of Supervisors by authority of Article V of Act 170, enacted and ordained into an ordinance on_____the following regulations governing the subdivision and land development of all land located within Clifford Township boundaries.

102.03 Delegation of Approval Power - The Clifford Township Board of Supervisors shall have the authority to review, approve, or disapprove all subdivision and land development plans within the Township. All subdivision and land development plans shall be submitted first to the Clifford Township Planning Commission for review and comment, then to the Township Supervisors for review, approval or disapproval. The Township Supervisors may delegate the authority to approve or disapprove minor subdivisions plans to the Clifford Township Planning Commission or an administrator properly qualified and assigned these duties.

1. The Commission or Administrator assigned these responsibilities shall report to the Supervisors, at their next regular meeting, all minor subdivision plans and land development plans received since the last report, and indicate their dispositions, setting forth the location, number of lots, and type of sewage system involved, and the reasons for approval or disapproval.

2. Any minor subdivision or land development plan which entails a request for a waiver from a provision or provisions of this ordinance shall be presented to the Supervisors for disposition.

3. Any person whose application for minor subdivision plan or land development plan approval was denied by the Commission or Administrator may appeal to the Supervisors to review the application. In the event of an appeal, the Commission or Administrator shall

of an appeal, the Commission or Administrator shall present to the Supervisors the complete file of the case being appealed and shall advise and recommend an appropriate course of action.

102.04 Powers - The Township Supervisors shall have all powers necessary, and may delegate all powers necessary, to enforce the provisions of these regulations without limitation by reason of enumeration, including the following:

1. To prohibit the development of any land found to be unsuitable as defined by these regulations.

2. To require that improvements to the land be made as defined by these regulations.

3. To require the dedication of land as defined as a condition of subdivision or land development plan approval.

4. To require adherence to these regulations and their standards.

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

6. To make conditional approvals where requirements specified in writing by the Supervisors will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of these regulations.

102.05 Interpretation - The provisions of these regulations shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any power granted by the Township or to the local municipalities by the Commonwealth of Pennsylvania.

102.06 Compliance and Violations

1. Compliance - No subdivision, land development, or replat of any lot, tract, or parcel of land governed by these regulations shall be made or recorded; no street, sanitary sewer, storm sewer, water mains or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon; nor shall any lot, tract, or parcel be rented or leased, except in compliance with the provisions of this ordinance, Act 170, the rules and regulations of the Pennsylvania Department of Environmental Resources, and the Pennsylvania Department of Transportation, or any other applicable

shall any subdivision land development, or replat conflict with an adopted plan or policy, zoning ordinance, or official map applicable to the property in question.

2. Violations - It shall be unlawful to build upon, install improvements, divide, convey, lease, rent, agree or enter into an agreement to sell, lease, record or monument any land in violation of these regulations or statues of the Commonwealth of Pennsylvania. The Township may institute appropriate action or proceedings to enjoin violators of these regulations or take other action according to applicable statues of the Commonwealth of Pennsylvania.

102.07 Abrogation, Greater Restrictions, Severability and Repeal

1. Abrogation and Great Restrictions - These regulations are not intended to repeal, abrogate, annul, impair or interfere with any existing easements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever these regulations impose greater restrictions, the provisions of these regulations shall govern unless expressly prohibited by Act 170.

2. Severability - Each section, paragraph, sentence, clause, work and provision of these regulations is severable, and if any provision shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of these regulations nor any part thereof other than that affected by such decision.

Section 103. PURPOSE

103.01 The purpose of these regulations is to regulate the subdivision and development of land and to promote public health, safety and general welfare; to further the orderly layout and use of the land; to prevent the overcrowding of land; to minimize congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision of water, sewerage and other public facility requirements; to provide for safe ingress and egress; to avoid hazards of soil or topographical conditions; to manage the drainage hazards for the proposed development and surrounding properties; and to otherwise minimize the impact of sub-division and land development of the county's physical and social environments; and to promote proper monumenting of land and accurate legal descriptions to facilitate the conveyance of land in the future.

103.02 In addition, these regulations are adopted in order to insure the development of the Township in conformity with officially adopted regional, county, and local municipal plans and policies.

Section 104. APPLICATION OF REGULATIONS

104.01 Application to Subdividers and Land Developers - Any person intending to develop or subdivide land as defined herein, shall prepare a preliminary and final plan of the proposed subdivision or land development in accordance with these regulations. The plans shall be prepared and submitted to the Commission for review as follows:

1. Plans of proposed subdivisions and land developments located within a municipality having a legally adopted subdivision and land development ordinance shall be submitted to the County Planning Commission for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be set by resolution of the County Planning Commission and which shall be paid by the applicant. The municipality shall not approve such applications until the county report is received or until the expiration of thirty (30) days from the date the application was received by the Commission.

2. The Susquehanna County Recorder of Deeds shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the proper delegated authority.

3. Subdivision or land development plans recorded with the Susquehanna County Recorder of Deeds prior to the date of adoption of this ordinance are exempt from the provisions of these regulations.

104.02 Notification of County - A certified copy of these regulations and all amendments hereto shall be sent to the Susquehanna County Planning Commission.

ARTICLE II

DEFINITIONS

Section 201. DEFINITIONS

201.01 General Terms - As used in these regulations, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of these regulations are defined as mandatory. Unless otherwise expressly stated, the following definitions shall, for the purpose of these regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of these regulations shall be construed to have its legal definition.

201.02 Specific Terms - As used in these regulations, terms or words shall be defined as follows:

Action - approval, conditional approval, denial, or a request for a modification, or for additional study, or field inspections, or documentation.

Administrator - the person(s) delegated authority to administer these Subdivision and Land Development Regulations by the Clifford Township Board of Supervisors.

Adopted - approved or formally enacted at a public meeting by the appropriate governing body.

Alley - a right of way, privately or publicly owned, primarily for service access to the back or sides of properties.

Applicant - person, organization, partnership, corporation, or other entity submitting an application for subdivision and or land development to the Commission.

Average Width - gross lot area divided by the longest side lot line.

Block - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or watercourses, or boundary lines of the county.

Building - any structure for support, shelter, or enclosure of persons, animals, or chattels of any kind, whether or not affixed to the land. The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."

Campground - any park, tourist park, tourist court, camp, campsite, court, site, lot, parcel, or tract of land upon which two or more camp cottages, or cabins are located or where the land is maintained to accommodate tents, trailers, or trailer coaches, and where the land is maintained for the accommodation of transients by the day, week, or month, whether a charge is made or not. The campground shall include all buildings or structures used or intended for use as part of the equipment thereof, whether a charge is made for the use of the campground and its facilities or not.

Campsite - See "Campground".

Cartway - the graded or paved portion of a street used for vehicular travel, excluding shoulders.

Clear Sight Triangle - an area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Commercial - business, enterprise, activity, or other undertaking offering services or goods which have been manufactured, constructed, fabricated, compounded, packaged, assembled, or otherwise processed at another location.

Commission - the Clifford Township Planning Commission, unless otherwise noted.

Commonwealth - the Commonwealth of Pennsylvania.

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

Comprehensive Plan - any development plan, or master plan, which has been adopted by the Township, including but not limited to plans for future land use, parks, transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning ordinances, official maps, land division, building line ordinances, and capital improvement programs shall also be considered part of the comprehensive plan.

Contiguous Lands - lands having a boundary or boundaries in common with the subject lands, regardless of the length of the boundary and/or any intervening streets or rights-of-way.

County - the Susquehanna County Planning Commission.

Dedication - the deliberate appropriation of land by its owner for any general and public use.

Developer - any landowner with equitable or legal title, agent of such landowner, or tenant with the permission of such landowner, making or causing to be made a subdivision or a land development.

Development - See "Subdivision" and "Land Development".

Driveway - every entrance or exit intended for use by vehicular traffic to or from lots abutting a public street.

Driveway, Joint-Use - a driveway shared by and constructed to provide access to two or more lots.

Easement - a right-of-way granted for limited use of private land for a public, quasi-public, or private purpose.

Flood Plain - the area of inundation which functions as a storage or holding area for flood water or as defined by municipal plan policy, or as identified on the HUD FIA Flood Hazard Boundary Maps.

Industrial - business, enterprise, activity, or other undertaking involving the manufacture, construction, fabrication, compounding, packaging, assembly, or other processing of goods on-site.

Interior Walk - a right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Land Development -

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

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

   2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas,

leaseholds, condominiums, building groups or other features.

b. a subdivision of land;

c. excepting:

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

2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;

3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides.

This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Lot - an area of land defined by, (or if subsequent to subdivision or land development, intended to be defined by) a legal description of its boundaries, such as a recorded deed or map, and which is recognized as a legal entity for the purposes of transfer of ownership, lease, rental, use or improvement.

Double Frontage Lot - a lot fronting on two generally parallel streets or highways.

Front Lot Line - that boundary of a lot which is along an existing or proposed right-of-way. In the case of corner lots, the line having the least dimension along a right-of-way shall be designated as the "front lot line."

Lot Area - area of a horizontal plane bounded by the front, rear, and side lines.

Lot Depth - the horizontal distance between the front lot line and the rear lot line.

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Lot Width - the horizontal distance between the side lot lines, measured parallel to the front lot line.

Rear Lot Line - that boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Reverse Frontage Lot - a lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

Side Lot Line - any boundary of a lot which is not a front or a rear lot line.

Match Line - reference data facilitating the joining of two maps, graphs, or sheets together so they can be read as a single document.

Mobile Home - a transportable, single-family dwelling which may be towed on its running gear, which may be contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing; and which may be temporarily or permanently affixed to real estate, and constructed with the same or similar electrical, plumbing, and sanitary facilities as immobile housing.

Mobile Home Park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Municipality - a township, borough, city, or county as set forth and permitted under the provisions of the Constitution of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, Article I, Section 107.

New Reserve Strips - a strip of land reserved for a specified use which may include, but may not be limited to, such uses as a street, alley, interior walk or other private or public purposes.

Normal High Water Mark - the highest point on the bank of a normal stage water course at which the water level has been for a sufficient period of time to leave a definite mark or where the natural vegetation changes from predominately aquatic to predominately terrestrial.

Ordinance - the Clifford Township Subdivision and Land Development Ordinance unless otherwise specifically stated.

Official Sewer Plan - the adapted wastewater facilities plan of the local municipality filed with the Department of Environmental Resources.

Off-Lot Water - water supply, publicly or privately owned, located outside the boundaries of the lot which it serves.

On-Lot Sewer - septic or other sewage disposal or treatment system approved for use by the Pennsylvania Department of Environmental Resources for use within the boundaries of the lot which it serves.

On-Lot Water - water supply located within the boundaries of the lot which it serves.

Parcel - see "Lot".

Pavement - concrete or asphalt of sufficient quality and quantity as approved by the Pennsylvania Department of Transportation to withstand continued use by motor vehicles.

Percolation Test - those solid absorption tests conducted in order to determine the potential effectiveness of a subsurface wastewater disposal system, as defined in the Pennsylvania Sewage Facilities Act (Act 537 of 1968) and/or other applicable laws and regulations.

Person - any individual, group of individuals, or legal entity, including but not limited to a corporation, unincorporated association, a partnership as well as an individual.

Plan, Final - complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, to define property rights and proposed streets and other improvements.

Plan, Preliminary - a tentative graphic description or map drawn to scale, in lesser detail than a final plan, showing approximate locations of streets, and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Record - an exact signed copy of the approved final plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

Plan, Sketch - an informal graphic description or map drawn generally to scale, indicating salient or existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.

Plat - a map, plan, or layout, whether preliminary or final, showing the subdivision of land into lots, blocks, streets, or other information in compliance with the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, no. 170, Article V, and these regulations.

Plot - see "Lot".

Professional Engineer - a person registered and licensed in and by the Commonwealth of Pennsylvania pursuant applicable statutes including, but not limited to the "Professional Engineers Registration Law", P.L. 913, No. 367, May 23, 1945, as amended, P.S. Sections 148-158.

Public Improvement - any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.

Professional Land Surveyor - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

Regulations - the ordinance entitled "Clifford Township Subdivision and Land Development Ordinance", unless otherwise noted.

Replat - a change in the map of an approved or recorded subdivision plat if such change affects any street layout on the map or area reserved thereon for public use, or any lot line, or if it affects any map of plan legally recorded prior to the adoption of any regulations controlling subdivision.

Right-of-Way - land reserved for use as a street, alley, interior walk, or for other public or private purposes. The right-of-way shall not be considered as land area when computing lot size.

Set-Back or Building Line - the line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

Sewer Permit - a form filled out and issued by the municipality's certified sewage enforcement officer, based on his inspection of the proposed site for installation of a sewer system.

Shoulder - that portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway for the accommodation of stopped vehicles and for lateral support.

Sight Distance - the maximum extent of unobstructed vision in a horizontal or vertical plan along a street from a vehicle located at any given point on the street.

Soils Evaluation by Test-Pit Method - the excavation of a hole on a lot, tract, or parcel to reveal soil and rock strata followed by evaluation and preparation of a soils log by a qualified individual for the purpose of determining suitability for on-lot sewage disposal, soils-bearing capacity, and other characteristics.

Street - also "Road" - a strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

Collector Street - a street which, in addition to giving access to abutting properties, intercepts minor streets and provides routes carrying considerable volumes of traffic to community facilities and to major traffic streets.

Cul-de-sac - a minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.

Major Traffic Street - a street which serves large volumes of comparatively high-speed and long-distance traffic, including facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Minor Street - a street which primarily provides access to abutting properties.

Private Street - a street, easement, or road not publicly owned, operated or controlled.

Public Street - a street or road dedicated to public ownership or a street or road with an easement dedicated for public use.

Structure - See "Building"

Subdivider - See "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 lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devises, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more

than ten acres, not involving any new street or easement of access or any residential dwellings shall be exempted.

Major Subdivision - any subdivision not classified as a minor subdivision.

Minor Subdivision - any subdivision of ten (10) lots or less as enumerated from May 15, 1972, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements.

Swale - a depression or hollow in the land created by the erosive action of run-off waters.

Tract - see "Lot".

Trailer - any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is, or may be mounted on wheels and used as a conveyance on highways, roads, or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Trailer Coach - See "Trailer".

Travel Trailer - See "Trailer".

Travel Trailer Park - any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for two or more trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purpose of inspection and sale.

Watercourse - a channel, creek, ditch, drain, dry run, spring, stream, or river.

Wetlands - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas. Wetlands are to be identified by the presence of hydric soils shown on the Soil Conservation

Service soil survey maps, by the National Wetland Inventory maps, or by actual in-field delineation of hydric soils and/or wetland indicator plant species.

The aforesaid is intended to include the legal definition of wetlands, as same is applicable in Pennsylvania.

ARTICLE III

PROCEDURE

Section 301. PROCEDURES

301.01 Plans to be filed with Commissioner - Eight (8) copies or a number less than eight (8) copies, as specified by the Commission, of the preliminary and final plans and required supplementary data shall be officially submitted to the Commission or its authorized representative by the applicant at least five working days prior to the Commission's regular meeting. The Commission or its representatives shall reject any incomplete plan submission.

301.02 Review of Plans - The Township Supervisors shall review and take action to approve or disapprove all plans, except sketch plans where no action is necessary, render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Supervisors next following the date the application is filed with the Commission, providing that should the said next regular meeting of the Township Supervisors occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application was filed with the Commission.

301.03 Action on Major Subdivision Plans and All Other Land Development Plans - The initial plan filed with the Commission shall be considered to be the preliminary plan. However, the Supervisors may proceed to final action at the first consideration of a plan provided that the plan and supporting data comply in all respects with the requirements for major final plans as per Article IV of this ordinance.

301.04 Action on Minor Subdivision Plans - The Township Supervisors may grant preliminary and final approval of minor subdivision plans, provided that they conform to the requirements of this ordinance.

301.05 Notification of County Planning Commission - Upon receipt of a subdivision or land development plan for review, the Commission shall notify the County Planning Commission of the proposal and furnish a copy of the plan for its review. This notification will include a statement from the Commission relevant to the plan's conformance to the regulations contained in this ordinance.

Section 302. PROCEDURES FOR PRELIMINARY AND FINAL PLANS

302.01 Notification of Action - No more than fifteen (15) days after the meeting at which a plan is reviewed, the Township Supervisors shall notify the applicant of the action taken on the plan. When the application is not approved as filed, the decision shall specify the defects found in the application along with supporting data if applicable, and describe the requirements which have not been met and shall, in each case, cite the provisions of these regulations and/or any other laws or regulations which have not been complied with.

Section 303. ADDITIONAL PROCEDURES FOR PRELIMINARY PLANS

303.01 Changes and Modifications - The Township Supervisors may require or recommend changes and modifications of the preliminary plan prior to approval of the final plan.

303.02 Acceptance of Public Streets and Areas - Prior to final approval by the Township Supervisors, the applicant shall provide written evidence that the governing body will take responsibility for streets and other areas typically dedicated to public use, or the governing body shall indicate its intent to accept and/or specify its conditions for accepting the lands proposed to be dedicated to the public by the applicant.

303.03 Fees - To defray the costs of review, a fee shall be payable to the Clifford Township Supervisors upon filing of the preliminary plan. This fee shall be determined and established by resolution of the Township Supervisors.

1. Copies of this Subdivision and Land Development Ordinance shall be provided at cost.

303.04 Engineering Costs - The cost of engineering or surveying work regulations shall be borne by the developer.

Section 304. ADDITIONAL PROCEDURES FOR FINAL PLANS

304.01 Final Plan to be Submitted - Within one (1) year after favorable action by the Township Supervisors on the preliminary plan, a final plan with supporting data shall be submitted to the Commission for review. Otherwise, the plan submitted shall be considered as a new preliminary plan.

304.02 Final Plan Shall Conform with Preliminary Plan - The final plan shall conform in all respects to the preliminary plan as previously reviewed by the Commission and Supervisors shall incorporate revisions and modifications specified by the Supervisors in its conditional approval of the preliminary plan. All approved final plans must bear the signatures of the authorized representatives of the Township Supervisors and the effective date of the approval.

Section 305. RECORDING FINAL PLAN

305.01 Required Time to Record - No more than ninety (90) calendar days after a final plan or section thereof has been approved by the Township Supervisors, the final plan or a reduced photocopy, shall be filed by the applicant for recording with the Susquehanna County Recorder of Deeds. If the plan is not recorded within ninety (90) days from the final approval date, the action of the Supervisors shall become null and void. In the event the applicant chooses to have the Township Supervisors record the map with the Susquehanna County Recorder of Deeds, the applicant will be responsible for all costs attendant thereto.

305.02 Dedications - Recording of the final plan shall have the effect, unless otherwise agreed to by the Township Supervisors, of an offer to dedicate all streets, public ways, parks, school sites, or other such areas. However, such offer to dedicate shall place no responsibility upon the municipal governing body concerning the improvement or maintenance of any streets, way, or area, until the actual appropriation of the same by legal action of the governing body.

ARTICLE IV

MAJOR SUBDIVISION:

APPLICATION, PLAN REQUIREMENTS

AND SUPPORTING INFORMATION

Section 401. SUBMISSION

401.01 Application - The applicant shall submit to the Commission a signed "Application for Review of a Subdivision Plan" on a form provided for that purpose by the Commission. The application shall specify:

1. The name of the subdivision or land development.
2. The exact location of the subdivision or land development by road, nearest landmark, and municipality.
3. The name, address, and telephone number of the applicant(s) and the owner of record of the property under consideration, if different.
4. The name, address, and telephone number of the attorney representing the applicant.
5. The name, address, and the telephone number of the surveyor and/or engineer who may be working on the development.
6. Parent tract information including present total acreage, deed book and page numbers, tax parcel and map numbers, existing improvements, and whether or not the property has been previously subdivided.
7. The type of subdivision proposed (i.e., residential, mobile home park, season recreation development or other land development as defined in Article II, Section 101.02).
8. The type of buildings and/or structures proposed for the subdivision or land development.
9. The type of water supply proposed.
10. The type of sewage disposal system proposed.
11. Number of lots proposed.
12. The length, in feet, of all proposed streets and a statement indicating whether or not the proposed streets will be dedicated to the municipality.

13. The amount of land proposed for recreational use or other community facilities, if any.

14. The number of acres of adjoining land in the same ownership.

15. A statement from the developer stipulating the proposed method of maintenance of streets, water supplies, and sewer systems and services to be provided.

16. The existing zoning classification.

17. The name of the electrical utility supplying the site and a statement regarding the provision of easements for utility construction.

18. The amount of the filing fee.

19. A signed affidavit of ownership.

20. A preliminary plan.

Section 402. INFORMATION TO BE SHOWN ON BOTH PRELIMINARY AND FINAL PLANS

402.01 Scale - Preliminary and final plans shall be a legible drawing using a standard engineering scale. Match line data shall be shown if there is more than one (1) sheet. The size of the plan shall be not less than 8-1/2" by 11" nor more than 24" by 36".

402.02 Information - By use of standard symbols when appropriate, preliminary and final plans shall show and be accompanied by the following information:

1. The name of the subdivision or land development.

2. Preliminary plans shall show the boundaries of all land owned by the developer contiguous to the proposed development and identify the present owner(s) of the contiguous lands.

3. Layout of proposed lots and streets for all contiguous lands owned by the developer. The Supervisors may waive this requirement if, with a letter of intent, the developer shows that this overall layout is unreasonable in light of the land use capabilities of the contiguous land or if he does not intent further development. In the case where a complete preliminary plan for all contiguous land has been waived by the Supervisors, provisions for future access roads to the interior of the property may be required to be shown on the plan.

4. North point, scale, legend and date.

5. Name of the owner of record/subdivider/developer.

6. Name and seal of engineer and/or surveyor responsible for the plan.

7. The proposed building setback lines.

8. Tract boundaries and total tract acreage; and, where applicable, true meridian bearings or magnetic north bearings, and distances.

9. Dimensions, lot numbers consistent with and following from lot numbers of lots previously subdivided from the parent tract, and areas of each lot, in accordance with Article VI.

   a. Lot areas of two (2) acres or less shall be shown in square feet.

   b. Lot or parcel areas containing more than two (2) acres shall be shown in acreage figures.

10. All existing watercourses, tree masses, and other significant natural features.

11. A copy of planned erosion and sediment control and storm water drainage measures when excavation or grading of land is proposed as part of the development. The current guidelines, including standards and specifications used by the Susquehanna County Soil Conservation District are hereby incorporated as part of these regulations by reference. Evidence of the District's review and determination shall be provided. These requirements shall be considered a minimum and more stringent standards may be required.

12. All existing or proposed streets on or adjacent to the tract, including name, right-of-way width, and route number.

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

14. Location, dimensions, and areas of all proposed playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use, including outbuildings, lakes, etc.

15. Copies of the proposed deed restrictions and/or by-laws of property owners association, if any.

16. One (1) copy of a highway occupancy or driveway permit issued by the appropriate regulating agency - Pennsylvania Department of Transportation for state roads, or the local municipality for local roads.

17. All existing drainage patterns including areas subject to flooding or overflow of stormwater. The adopted flood plain line, a two-foot contour interval map, or other data may be required to evaluate the proposed subdivision in relationship to adopted flood plain policies or ordinances.

18. Evidence the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

    Certification of a water supply adequate to the demand projected for the subdivision or development and without detrimental effects on neighboring water supplies, may be requested by the Supervisors.

19. All replats as defined in this Ordinance shall bear a note which states:

    a. Name of previous subdivision which is submitted for review as a replat.

    b. Date of approval or date of recording.

    c. Appropriate lot number.

403. INFORMATION TO BE SHOWN ON PRELIMINARY PLANS

403.01 Information - In addition to the requirements of Section 402, preliminary plans shall show or be accompanied by the following information:

1. Contours at recommended vertical intervals of five (5) feet. In developments requiring no new streets, the Supervisors may specify a larger vertical interval or may waive the requirements for contours. Datum to which contour elevations refer shall be to known elevations as established by the U.S. Coast and Geodetic Service, the U.S. Geological Survey or the Pennsylvania Department of Transportation.

2. All existing gas, water, sewer, utility or petroleum product lines, hydrants, and other significant man-made features such as buildings, culverts and fire hydrants.

3. Vicinity map showing location and use of land adjacent to proposed development.

4. Areas subjected to flooding or overflow of storm waters and all natural drainage patterns.

5. Street profiles, cross sections, drainage details, and percent of grade for all streets as required by the Supervisors.

6. Where applicable, a complete report by a qualified consultant or government agency, approved by the Supervisors, on subsurface coal, gas and mining conditions which shall indicate conditions of mining, if any, and a statement of the possibility of subsidence.

7. Preliminary designs of any bridges or culverts which may be required.

8. Notification by the Pennsylvania Department of Environmental Resources that the sewage planning module has been approved and that the proposed sewer and water systems are in accordance with Department standards.

9. Soils map of the property showing the U.S. Soil Conservation Service interpretations including relevant codes and numbers. This information shall be transferred into the subdivision plan when requested by the Supervisors.

10. Location of wetlands, as shown on the National Wetlands Inventory maps which are available for inspection in the County Planning Office or the offices of the Susquehanna County Soil Conservation District, and a statement as to how these areas are to be protected. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.

11. Location of hydric soils as listed in Table I and as depicted in the County Soil Survey, along with a statement regarding measures to be taken to protect these possible wetland areas.

12. A soils log prepared by a qualified soils scientist, or otherwise qualified individual, as designated by the

Supervisors, where on-lot water and/or sewage disposal facilities are proposed and the proposed lot size for any development is less than the minimum standards specified in Article VI Section 603.02 of these regulations, and if on-lot sewage disposal is called for at the location of the proposed development by the Official Sewer Plan of the municipality. One (1) soils log may be required for each lot or parcel in a development.

Section 404. INFORMATION TO BE SHOWN ON FINAL PLANS

404.01 Plan Size and Legibility - The subdivision or land development plan submitted for final approval shall be a legible print of a permanent reproducible drawing. The size of the plan shall not be less than 8-1/2" by 11" nor more than 24" by 36".

404.02 Information - In addition to the requirements of Section 402, final plans shall show or be accompanied by the following information:

1. A certified land survey map shall be prepared by a registered land surveyor of the plan in accordance with professionally and legally promulgated practices and principles. Final plans shall contain certified signatures and seals of the registered professional land surveyor and/or registered professional engineer involved in the plan.

2. Location, size and invert elevation of all sanitary and storm sewers, location of manholes, inlets, culverts, and all structuring for erosion and sediment control. Profiles and other explanatory data concerning the installation of sanitary and storm sewer facilities and other underground utility services may be required by the Supervisors.

3. All dimensions shall be shown in feet.

4. Lot numbers and the location of iron or steel corner pins for each lot.

5. Permanent monuments.

404.03 Documentation - In addition to the information required under Section 404.02, final plans shall be accompanied a statement that the applicant is the owner or equitable owner of the land proposed to be subdivided or developed, or that the development shown on the final plan is made with the owner's consent and that he desires to record the same.

404.04 Endorsements - Endorsements in the form of the following signatures shall be placed directly on the plan in permanent reproducible ink. All endorsements shall be obtained by the applicant.

1. The signature and seal, if one exists, of the owner or owners of the land. If the owner of the land is a corporation, the signature of the president and secretary of the corporation shall appear.

2. The certification, signature and seal of the registered professional engineer or a registered land surveyor who prepared the plan.

3. The signature of the Township Supervisors acknowledging that the plan has been reviewed and approved by the Supervisors and other duly authorized officials.

ARTICLE V
MINOR SUBDIVISIONS: APPLICATION, PLAN REQUIREMENTS AND SUPPORTING INFORMATION

Section 501. PROCEDURE

501.01 The procedures for the submission and recording of minor subdivision plans shall be as specified in Article III, except where governed by the provisions of this Article. The standards outlined in this Article shall be considered minimum standards and the Supervisors may require more restrictive standards.

Section 502. APPLICATION FOR MINOR SUBDIVISION

502.01 In addition to the information required in Section 503, the applicant shall submit a signed Application for Review of Minor Subdivision Plan on a form provided for that purpose by the Commission. The application shall specify:

1. The name, address and telephone number of the applicant(s) and the owner of record of the property under consideration, if different.
2. The exact location of the proposed subdivision by road, nearest landmark, and municipality.
3. The name, address and telephone number of the surveyor or engineer working on the subdivision plans.
4. The type of structures proposed for the subdivision.
5. The type of water supply proposed.
6. The type of sewage system proposed.
7. Parent tract information including present total acreage, deed book and page numbers, tax parcel and map numbers, existing improvements, and whether or not the property has previously been subdivided.
8. Number of lots proposed and net area of the smallest and largest lots.
9. Whether electricity is available to the site, who will be supplying it, and whether the applicant intends to grant an easement for utility construction.
10. The existing zoning classification.
11. The name, address and telephone number of the attorney representing the applicant.

12. A signed affidavit of ownership.

13. The amount of the filing fee.

Section 503. PLAN REQUIREMENTS

503.01 Plans shall consist of a certified land survey map of the plan prepared by a registered professional land surveyor or registered professional engineer in accordance with professionally and legally promulgated practices and principles. One map shall be of a permanent reproducible nature. Plans shall include a drawing or sketch of the tract boundaries. The map and other data sheets accompanying the final plan for minor subdivisions shall conform to or include the following:

1. The size of the plan shall not be less than 8-1/2" by 11" nor more than 24" by 36". The drawing shall be legible and use a standard engineering scale. Match line data shall be shown if there is more than one sheet.

2. Name of the record owner and subdivider.

3. Name of the municipality in which the property proposed for subdivision exists.

4. Tract boundaries (this information may be obtained from official tax maps or from aerial photographs), total tract acreage, and present owners of contiguous lands.

5. North point magnetic scale, legend and date.

6. Significant topographical, natural, and man-made physical features.

7. All existing streets on or adjacent to the tract, including name, right-of-way width, and route number.

8. Dimensions of proposed lot or parcel lines drawn to scale.

9. Dimensions and lot numbers, consistent with and following from lot numbers of lots previously subdivided from the parent tract, and the area of each lot, in accordance with Article VI>

   a. Lot areas of two (2) acres or less shall be shown in square feet.

   b. Lot or parcel areas containing more than two (2) acres shall be shown in acreage figures.

10. The classification of the soils present in the proposed subdivision as defined by the U.S.D.A. Soil Conservation Service soil name.

11. Location of wetlands, as shown on the National Wetlands Inventory maps which are available for inspection in the County Planning Office or the offices of the Susquehanna County Soil Conservation District, and a statement as to how these areas are to be protected. Evidence of proper federal and state permits shall be provided. If permits are not necessary or appropriate, supporting documentation shall be presented to that effect.

12. Location of hydric soils as listed in Table I and as depicted in the Susquehanna County Soil Survey, along with a statement regarding measures to be taken to protect these possible wetland areas.

13. Notification by the Pennsylvania Department of Environmental Resources that the sewage planning module has been approved and that the proposed sewer and water systems are in accordance with Department standards.

14. One (1) copy of a highway occupancy or driveway permit issued by the appropriate regulating agency - Pennsylvania Department of Transportation for state roads or the local municipality for local roads.

15. All replats as defined in this Ordinance shall bear a note which states:

    a. Name of previous subdivision which is submitted for review as a replat.

    b. Date of approval; or date of recording.

    c. Appropriate lot number.

16. Provision for future: Access roads to the interior of contiguous properties owned by the subdivider or developer must be provided and shown on the plans in the event that contiguous lands do not front on the existing road in the subdivision.

TABLE I

HYDRIC SOILS
SUSQUEHANNA COUNTY

MAP SYMBOL	MAP NAME	HYDRIC COMPONENT	LOCATION NOTES
Map Units With Major Components Hydric:			
HW	Holly silt loam	Holly (OH0032	
NCA	Norwich and Chippewa soils, 0-3% slopes	Norwich (NY0072) Chippewa (NY0068	
NCB	Norwich and Chippew soils, 3-8% slopes	Norwich (NY0072) Chippewa (NY0068)	
NSB	Norwich and Chippewa very stony soils, 0-8% slopes	Norwich (NY0073) Chippewa (NY0069)	
PT	Peat	Histosols (PA8007)	
WY	Wyalusing silt loam	Wyalusing (PA0143)	
Map Units With Inclusions Of Hydric Components:			
BA	Barbour fine sandy loam	Wyalusing	Bottom lands
BC	Basher	Wyalusing	Bottom lands
CU	Cut and fill land	Wet spots[1]	Depressions
MCB2	Mardin channery silt loam, 3-8% slopes, moderately eroded	Chippewa	Depressions, drainageways
MCC2	Mardin channery silt loam, 8-15% slopes, moderately eroded	Chippewa	Depressions, drainageways
MCD2	Mardin channery silt loam, 15-25% slopes, moderately eroded	Chippewa	Depressions, drainageways
MFB2	Mardin flaggy silt loam, 3-8% slopes, moderately eroded	Chippewa	Depressions, drainageways
MFC2	Mardin flaggy silt loam, 8-15% slopes, moderately eroded	Chippewa	Depressions, drainageways
MFD2	Mardin flaggy silt loam, 15-25% slopes, moderately eroded	Chippewa	Depressions, drainageways
MGB	Mardin very stony silt loam, 0-8% slopes	Chippewa	Depressions, drainageways
MGD	Mardin very stony silt loam, 8-25% slopes	Chippewa	Depressions, drainageways
MGF	Mardin very stony silt loam, 25-50% slopes	Chippewa	Deqressions, drainageways

TABLE I
(continued)

MAP SYMBOL	MAP NAME	HYDRIC COMPONENT	LOCATION NOTES
MN	Mixed alluvial land	Holly, Wyalusing	Bottom lands
MOA	Morris channery silt loam, 0-3% slopes	Norwich	Low flats, drainageways
MOB2	Morris channery silt loam, 3-8% slopes, moderately eroded	Norwich	Low flats, drainageways
MOC2	Morris channery silt loam, 8-15% slopes, moderately eroded	Norwich	Low flats, drainageways
MRB2	Morris flaggy silt loam, 3-8% slopes, moderately eroded	Norwich	Low flats, dralnageways
MRC2	Morris flaggy silt loam, 8-15 percent slopes, moderately eroded	Norwich	Low flats, drainageways
MRD2	Morris flaggy silt loam, 15-25% slopes, moderately eroded	Norwich	Low flats, drainageways
MSB	Morris very stony silt loam, 0-8 percent slopes	Norwich	Low flats, drainageways
MSD	Morris very stony silt loam, 8-25% slopes	Norwich	Low flats, drainageways
TE	Terrace escarpments	Seep spots	Seepy areas
US	Unadilla silt loam		
VCA	Volusia channery silt loam, 0-3% slopes	Chippewa	Low flats, drainageways
VCB2	Volusia channery silt loam, 3-8% slopes, moderately eroded	Chippewa	Low flats, drainageways
VCC2	Volusia channery silt loam, 8-15% slopes, moderately eroded	Chippewa	Depressions, drainageways
VCD2	Volusia channery silt loam, 15-25% slopes, moderately eroded	Chippewa	Depressions, drainageways
VFB	Volusia flaggy silt loam, 3-8% slopes	Chippewa	Depressions, drainageways
VFC	Volusia flaggy silt loam, 8-15% slopes	Chippewa	Depressions, drainageways
VSB	Volusia very stony silt loam, 0-8% slopes	Chippewa	Depressions, drainageways
VSD	Volusia very stony silt loam, 8-25% slopes	Chippewa	Depressions, drainageways
WEB2	Wellsboro channery silt loam, 3-8% slopes, moderately eroded	Norwich	Depressions, drainageways
WEC2	Wellsboro channery silt loam, 8-15% slopes, moderately eroded	Norwich	Depressions, drainageways
WED2	Wellsboro channery silt loam, 15-25% slopes, moderately eroded	Norwich	Depressions, drainageways

TABLE I
(continued)

MAP SYMBOL	MAP NAME	HYDRIC COMPONENT	LOCATION NOTES
WLB2	Wellsboro flaggy silt loam, 3-8% slopes, moderately eroded	Norwich	Depressions, drainageways
WLC2	Wellsboro flaggy silt loam, 8-15% slopes, moderately eroded	Norwich	Depressions, drainageways
WLD2	Wellsboro flaggy silt loam, 15-25% slopes, moderately eroded	Norwich	Depressions, drainageways
WSB	Wellsboro very stony silt loam, 0-8% slopes	Norwich	Depressions, drainageways
WSD	Wellsboro very stony silt loam, 8-25% slopes	Norwich	Depressions, drainageways
WSF	Wellsboro very stony silt loam, 25-50% slopes	Norwich	Depressions, drainageways

[1]May need soil scientist's verification.

Note: Map symbols and map names refer to the Soil Conservation Service soils maps.

Note: The data contained in this table is subject to change by the Pennsylvania Department of Environmental Resources without prior notice. Consult the Susquehanna County Planning Commission office or the Susquehanna Conservation District office for the most recent data.

Source: Pennsylvania Department of Environmental Resources, Bureau of Water Resources Management, Division of Rivers and Wetlands. Information dated May 7, 1990. Provided by the Susquehanna County Soil Conservation District.

ARTICLE VI
DESIGN STANDARDS

Section 601. APPLICATION OF DESIGN STANDARDS

601.01 Standards to be Applied - The design standards and requirements outlined in this Article will be applied by the Commission and Supervisors in evaluating plans for all proposed subdivisions and land developments.

601.02 Municipal Regulations to Govern - Whenever municipal regulations impose more restrictive standards and requirements than those contained herein, the local regulations shall control.

Section 602. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

602.01 GENERAL SITE CRITERIA

1. General Plan - the location and design of any subdivision plan must conform to any municipal, county, or regional land use plans or policies adopted by a municipality.

2. Zoning - the use of land in a subdivision plan must conform to any applicable municipal or county zoning ordinance.

3. Hazardous Areas - those areas which are subject to hazards to life, health, or property as may arise from fire, flood, disease, noise, falling aircraft, mine subsidence, or considered to be uninhabitable for other reasons may not be subdivided unless the elimination of such hazards can be documented or the applicant can ensure that the area is to remain uninhabited. Information for identifying and evaluating these potential hazards may include references to historical records, soil evaluations, engineering studies, expert opinion, established standards used by licensed insurance companies and adopted regional, county or local municipal policy such as, but not limited to, an established flood plain line.

4. Regional Considerations - plans for subdivisions and land developments shall be compatible and be coordinated with land use, drainage, traffic movement, and other reasonable considerations with respect to neighboring lands.

5. Protection or Preservation of Natural Features - in all developments, care shall be taken to preserve natural features such as trees, watercourses, views, historical and cultural features such as buildings which will add attractiveness and value to the

remainder of the land. The Supervisors may require plan modifications to protect such features.

6. Hillside Development - where a subdivision or land development is on a site that has a slope of more than fifteen percent, the Supervisors may require larger lot sizes than the minimum requirements which are provided in these regulations.

7. Water Frontage and Surface Drainage -

   a. Damming, filing, draining, relocating, or otherwise altering or interfering with the natural flow of ground and surface water shall not be permitted without approval by the Supervisors, and where required by law, the Pennsylvania Department of Environmental Resources, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and/or other applicable state and federal agencies.

   b. Residential building setback lines shall be established no less than seventy-five (75) feet from the normal high water line of any stream, lake, or water body and shall conform to local floodplain management regulations.

602.02 Community Facilities and Comprehensive Plan Requirements - Where a proposed park playground school or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Supervisors may require the reservation of such area provided that such reservation is acceptable to the municipality.

602.03 Modifications - The standards and requirements of these regulations may be modified by the Supervisors in the case of plans for complete communities, neighborhood units, planned unit developments, or other large scale developments, which in the judgment of the Supervisors achieve the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the objectives of this Subdivision and Land Development Ordinance.

602.04 Easements - where a development 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 without damaging adjacent properties and to provide maintenance and/or emergency access to the watercourse.

602.05 Walkways - Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school). Such walkways shall have a

right-of-way width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

602.06 Storm Drainage - Lots shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots. The Supervisors may require plan modifications to ensure that the effects of storm drainage on health, safety, and property are minimized. Developers shall strive to keep runoff to a level less than or equal to that occurring before development. PennDOT standards shall be applicable if planned drainage facilities within the subdivision or land development will utilize or ultimately utilize PennDOT drainage facilities.

602.07 Design Standards for Streets

1. Street Right-of-Way Widths - Minimum right-of-way widths for all proposed or required roads/streets shall conform to the requirements set forth in Table II.

2. Geometric Standards - Geometric design standards for all proposed or required roads/streets shall conform to the requirements set forth in Table III.

3. Required Improvements - If a proposed development is situated adjacent to or within one hundred (100) feet of an area that contains paved streets, curbs, sidewalks; the street, curb, or sidewalk shall be extended into the proposed development. The construction standards of the extensions shall be equal or better than those existing streets, curbs, or sidewalks.

602.08 Street System Layout

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality in which the development is located and they shall further conform to such county and state road and highway plans as have been prepared and adopted as prescribed by law.

2. The proposed street layout shall provide for the extension of existing streets in the surrounding area unless the Supervisors deems such an extension undesirable for specific reasons of topography or design.

3. Minor streets shall be laid out to discourage through-traffic, but provisions for street connections into and from adjacent areas will generally be required.

4. Dead-end streets shall be prohibited, except when designed with cul-de-sac to serve residential areas.

TABLE II

MINUMUM STANDARDS FOR STREETS

	Predominant Lot Size		
	1/2 Acre or Less	Greater Than 1/2 Acre to 3 Acres[1]	Greater Than 3 Acres[1]
Collector Streets			
Right-of Way Width	50'	50'	50'
Cartway Width	28'+ curbs	20'+ 8' shoulders each side	20'+ 8' shoulders each side
Minimum Grade	0.75%	0.75%	0.75%
Maximum Grade	7.00%	7.00%	10.00%
Sight Distance[2]	400'	400'	400'
Horizontal Curves[3]	300'	300'	300'
Sidewalk Width	4'	optional	optional
Minor Streets			
Right-of Way Width	50'	50'	50'
Cartway Width	28' + curbs	20'	20'
Cul-de-Sac Turn-around R-O-W Diameter	100'	100'	100'
Cul-de-Sac Turn-around Cartway Diameter	80' + curbs	80'	80'
Minimum Grade	0.75%	0.75%	0.75%
Maximum Grade	12.00%	12.00%	12.00%
Sight Distance[2]	150'	150'	100'
Horizontal Curves[3]	150'	150'	100'
Sidewalks	optional	optional	optional

	Serving 1-2 Lots	Serving 3-9 Lots	Serving 10 or more Lots
Private Streets			
Right-of-Way Width	50'	50'	50'
Cartway Width	---	20'	20'
Cul-de-Sac Turn-around R-O-W Diameter	---	80'	100'
Cul-de-Sac Turn-around Cartway Diameter	---	60'	80'
Minimum Grade	---	0.75%	0.75%
Maximum Grade	15.00%	12.00%	12.00%

[1] Where there are no paved streets or curbs or sidewalks adjacent to the development, the Commission may approve a lesser standard.

[2] Minimum distance measured along the centerline, 3'9" above grade.

[3] Minimum radius at the centerline.

TABLE III

CONSTRUCTION STANDARDS FOR STREETS

Street Type	Course	Type of Material[1]	Depth of Material After Compaction[2]	Roadbed Drainage	Site Drainage
Collector Streets	Alternate One-				
	Wearing Surface:	ID-2A	1 1/2"		
	Base:	Bit. Concrete	5 1/2"	Yes[5]	Crosspipe(s) and Detention E & S[7]
	Subbase:	Type C Stone[3]	10"	—	
	Alternate Two-				
	Wearing Surface:	ID-2A	1 1/2"	Yes[5]	
	Base:	BC/BC	5 1/2"	—	
	Subbase:	Type C Stone[3]	10"		Crosspipe(s) and Detention E & S[7]
Minor Streets	Preferred-				
	Wearing Surface:	ID-2A	1 1/2"	—	
	Base:	BC/BC	4"	Yes[5]	Crosspipe(s) and Detention[6] E & S[7]
	Subbase:	Type C Stone[3]	10"		
	Alternate-			—	
	Wearing Surface:	—	—	Yes[5]	
	Base:	2RC	3"		
	Subbase:	Shale[3,4]	10"		Crosspipe(s) and Detention[6] E & S[7]
Private Streets Serving 9 or Fewer Lots	Wearing Surface:	—	—	—	Crosspipe(s) and Detention[6] E & S[7]
	Base:	—	—	—	
	Subbase:	Shale[3,4]	10"	May be required by Commission[5]	

[1] All specified materials and depths are listed herein as examples. Alternative materials and component dimensions may be approved by the Commission as long as the alternate equals or exceeds the capabilities of the specifications herein. All components of the pavement structure shall be constructed in accordance with PennDOT specifications, Form 408.

[2] Compaction method shall use a ten (10 ton vibratory roller or equivalent.

[3] Subbase shall extend six(6) inches beyond finished width of cartway on each side to provide necessary support for wearing surface.

[4] Subbase may be shale, bank run gravel, or other durable all-weather aggregate as approved by the Commission.

[5] Drainage facilities for dewatering roadbed shall be required with site-specific determination as to design.

[6] Site drainage shall be designed with driveway crosspipe(s) 12 inches minimum diameter plus runoff detention facilities as determined by the Commission.

[7] Erosion and Sedimentation control measures shall be designed and constructed in accordance with PA DER requirements and as directed by the Commission.

5. Any subdivision street which intersects a public street shall conform to the requirements of the governmental entity responsible for said street and the design of the intersecting roadway and related facilities shall provide for proper transition.

6. New reserve strips, including those controlling access to streets, shall be avoided except where determined by the Supervisors to be necessary to carry out the requirements and objectives of the regulations.

7. All provisions for drainage facilities shall be designed to provide for the movement of surface water away from the surrounding drainage area, buildings and pavement.

8. All streets must meet the construction standards of the Supervisors, the municipality, or the Pennsylvania Department of Transportation, as applicable.

9. Where any street of a subdivision or land development cannot be laid out to avoid a cut bank or fill situation, roadbank stabilization measures and devices shall be provided.

602.09 Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at any angle of less than sixty (60) degrees.

2. Intersections infolding more than four corners shall be prohibited.

3. Clear sight triangles of thirty (30) feet measuring along street or lot lines from their point of junction shall be provided at all intersections and no visual obstruction shall be permitted within such sight triangles.

4. Intersections with major traffic streets shall be located at least eight hundred (800) feet apart measured from centerline to centerline.

5. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty five (125) feet between their centerlines.

6. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty five (25) feet for intersections involving other type streets, or such greater radius as is suited for the specific intersection.

7. Minimum right-of-way radii at street intersections shall be twenty five (25) feet for all intersections.

8. Where a development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width may be required by the Supervisors.

9. Where the grade of any street or the approach to an intersection exceeds seven percent (7%) a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty five (25) feet measured from the nearest right-of-way line of the intersecting street.

602.10 Uses Fronting on Major Traffic Streets

1. Where a development fronts or abuts a major street, the Supervisors may require marginal access streets, real service alleys, reverse frontage lots, or such other treatment as will provide protection to adjacent properties, a reduction in the number in intersections with the major traffic street, and/or the separation of local through traffic.

2. Entrances and exits to non-residential developments shall be designed so as to not interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet and when combined, shall be restricted to one hundred (100) feet. Access points shall not exceed twenty four (24) feet in width at any interchange.

3. Entrance and exit points to proposed developments shall not be located closer than one hundred (100) feet to the end of any intersection.

4. Residential blocks shall have a maximum length of twelve hundred (1200) feet. In the design of blocks longer than one thousand feet, special consideration shall be given to the requirements of satisfactory fire protection.

5. Cul-de-sac Streets

   a. Cul-de-sac streets shall not exceed one thousand (1000) feet in length. However, greater lengths may be approved by the Supervisors if topographic considerations warrant such an action.

   b. Cul-de-sacs shall be provided at the closed end with a turn-around which may be "L" or "T" or "Y" shaped or circular. Circular turn-arounds shall have a diameter to the outer right-of-way limits of a least one hundred (100) feet.

6. Where the development abuts on or contains an existing or proposed major traffic street on which traffic volumes and vehicular speeds warrant special safety precautions, the Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed major traffic streets.

602.11 Building Setback Lines

1. The minimum from building or setback line for all structures in subdivisions or land developments shall be measured from the property line side of the street right-of-way and shall be one-half of the street right-of-way in distance, provided that the maximum required setback shall be 40 feet, except on major traffic streets. In case of a corner lot, the setback from each adjacent street shall apply.

2. The front building or setback line for all structures in subdivisions or land developments fronting on a major traffic street shall not be less than forty (40) feet measured from the property line side of the street right-of-way.

3. The minimum required setback from the side lot line shall be not less than thirty (30) feet on any side.

4. The minimum setback from the rear lot line shall not be less than thirty (30) feet.

Section 603 RESIDENTIAL LOT STANDARDS

603.01 Application - All developments proposed for residential use and certain other developments including hunting camps, cottages, travel trailer parks, campground or campsite developments, where lots are for sale, rent or lease, and other seasonal recreational, or seasonal developments where land is sold, rented, or leased (except mobile home courts and campgrounds and travel trailer parks where recreators, campers or travelers are licensees) shall conform with the provisions of this section. (Standards for mobile home courts and campgrounds and travel trailer parks where recreators, campers, or travelers are licensees, shall conform with the provisions of Article VI and IX).

603.02 Residential Lot Sizes

1. The following minimum lot sizes are established:

   a. Off-lot municipal or privately owned community sewage and on- or off-lot water - 43,560 square feet or one (1) acre.

b. On-lot sewer and on- or off-lot water - 87,120 square feet or two (2) acres.

2. The Supervisors may require lot sizes of greater area where factors of topography, drainage, soil conditions, or other conditions posing risk to health and safety of persons or property exist.

603.03 Design of Residential Lots

1. All lots shall front upon a public street, existing or proposed; however, under special conditions a private road may be approved by the Supervisors.

2. Side lot lines shall be generally at right angles or radial to street lines.

3. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the municipality.

4. Double frontage lots should be avoided except where essential to provide separation of residential developments and traffic arterials or to overcome particular topographic and orientation disadvantages.

5. Depth and width of lots laid out or reserved shall provide adequate space for off street parking and unloading.

6. Evidence of a homeowners association, deed restrictions, contractual agreements or other provisions for ownership and maintenance of common areas such as open space, parking areas, or other areas must be made to the satisfaction of the Supervisors.

7. Minimum average width for each lot served with on-lot water and sewer shall be in accordance with Table IV. *Minimum average width equals the gross area of lot in square feet divided by the longest side line.*

8. Minimum average width for each lot served by off-lot water and/or sewer shall be in accordance with Table V. *Minimum average width equals the gross area of lot in square feet divided by the longest side line.*

TABLE IV
MINIMUM AVERAGE WIDTH
OF LOTS SERVED BY ON-LOT SEWER

Area (acres)	Minimum Average Width
2 acres	200 feet
3 acres	225 feet
4 acres	250 feet
5 acres	275 feet
6 acres	300 feet
7 acres	325 feet
8 acres	350 feet
9 acres	375 feet
10 acres	400 feet
Over 10 acres	400 feet

TABLE V
MINIMUM AVERAGE WIDTH OF LOTS SERVED BY OFF-LOT
MUNICIPAL OR PRIVATELY OWNED COMMUNITY SEWER

Area (acres)	Minimum Average Width
1 acre	200 feet
2 acres	200 feet
3 acres	225 feet
4 acres	250 feet
5 acres	275 feet
6 acres	300 feet
7 acres	325 feet
8 acres	350 feet
9 acres	375 feet
10 acres	400 feet
Over 10 acres	400 feet

Section 604. NON-RESIDENTIAL LOTS

604.01 Non-residential lots shall be subject to review by the Commission, and shall be of sufficient area, width and depth to accommodate the proposed land use.

Section 605. UTILITIES

605.01 The Supervisors may require twelve (12) foot easements where necessary for the installation of utility facilities. Such easements shall be noted as "utility easements" on the final plan. Prior to the approval of the final plan, a review by the utilities serving the area as to the location and width of the "utility easements" shall be made. The utilities shall have fifteen (15) days in which to make such a review.

605.02 The developer shall be responsible for compliance with the Pennsylvania Public Utility Commission regulations regarding the installation of utilities in the development.

605.03 Where required by the local municipality or the Supervisors, street lighting units shall be furnished and so spaced and equipped with luminaries that will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

Section 606. SOLID WASTE DISPOSAL

606.01 The developer shall provide a statement explaining how solid waste within the proposed development can feasibly be collected and disposed of, and the statement must be in compliance with the municipal, county, regional, and state solid waste laws, plans, rules, and regulations.

Section 607. PROPERTY OWNER'S ASSOCIATION

The Supervisors may require the subdivider to establish a property owners' association containing the specifications of the Supervisors.

ARTICLE VII

MOBILE HOME PARKS

Section 701. MOBILE HOME PARK DESIGN STANDARDS

701.01 Application - Mobile home parks as defined in Article II of these regulations shall conform to the provisions of this section. Plans and applications for such developments shall be filed in accordance with the forms and procedures specified for subdivision applications.

701.02 Mobile Home Park

1. Mobile home parks shall be subject to the design standards in Article VI except as provided in this article.

2. Mobile home parks shall have a minimum of one hundred (100) feet of frontage on a public street.

3. Mobile home parks shall be served by a community sewage system.

4. Natural screening or fencing shall be provided along all park boundaries except where such a boundary is along a public street. Natural screening shall consist of trees and shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required to separate the park from commercial and industrial uses.

701.03 Mobile Home Lot

1. Each mobile home lot shall have an area of not less than seven thousand (7,000) square feet.

2. Each mobile home lot shall be marked off by permanent post pins, monuments, or other points of reference.

3. The minimum lot width shall be sufficiently wide to permit a setback of the mobile home of at least fifteen (15) feet from both side lot lines and at least twenty-five (25) feet from the park boundary lines.

4. The mobile home lot shall not include the right-of-way of public roads and may include the right-of-way of the park internal road system excluding that portion of said right-of-way designated as road or street surface or an on-street parking surface.

701.04 Mobile Homes

1. Only one mobile home shall be permitted to occupy any one mobile home lot.

2. Setbacks - Mobile homes shall not be parked or otherwise located nearer than a distance of:

   a. At least fifteen (15) feet from any side lot line.

   b. At least thirty (30) feet from an adjacent mobile home in any direction.

   c. At least twenty-five (25) feet from the park boundary line.

   d. At least one-half the right-of-way width from the property line side of a street right-of-way except where adjacent to a major traffic street in which case a minimum of forty (40) feet from the property line side of the right-of-way shall be required.

   e. At least ten (10) feet from the edge of the pavement or stabilized surface of the mobile home park road or street.

   f. At least ten (10) feet from the edge of the pavement or stabilized surface provided for on-street parking.

701.05 Mobile Home Pad

1. Each mobile home lot shall have a pad which shall provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the mobile home on the lot in a stable condition.

2. The pad shall fit the dimensions of the anticipated mobile home and their appurtenant structures or appendages.

3. The pad shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

4. The stand shall be suitably graded to permit rapid surface drainage.

701.06 Access

1. Each mobile home park shall be directly accessible to an existing public street. Said street shall have

adequate capabilities presently in place to accommodate the projected traffic flow.

2. There shall be no more than two points of entrance/exit for any mobile home park on the same street.

   a. Such entrances/exits shall be designed and located with minimum distance of one hundred (100) feet between them.

   b. All entrances/exits shall be at right angles to the existing public street.

   c. A clear sight distance of at least three hundred (300) feet in both directions shall be afforded the driver of a vehicle prior to entering the public street.

   d. All entrances/exits shall be well-defined and distinguishable from the rest of the street frontage and shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached without requiring backing at cross-angles to the highway to achieve the necessary angle of entrance or exit.

3. Rights-of-Way - All mobile home park road rights-of-way shall be in accordance with municipal specifications applicable to streets in conventional residential developments, Article VI of these regulations, and other applicable local, state, or federal specifications.

4. Pavement -

   a. All mobile home parks with nine (9) or fewer lots shall have a stabilized cartway width of not less than twenty (20) feet.

   b. Mobile home parks with ten (10) lots or more shall have a hard surfaced (paved) cartway width of not less than twenty (20) feet.

   c. The Supervisors may waive paving requirements where the public street providing access to the mobile home park is unpaved.

5. Mobile home lots shall have direct access to an internal mobile home park road.

6. Mobile home parks containing only two (2) lots may use a joint driveway.

701.07 Parking

1. Each mobile home lot shall provide for the parking of at least one automobile on the lot.

2. Where on-street parking is not provided, at least one-half parking space per mobile home lot shall be provided as off-lot parking for visitors or the second car of two-car families.

3. The parking lot spaces shall be a minimum width of ten (10) feet and a minimum length of twenty (20) feet. The parking lot or on-street parking spaces shall have a stabilized surface.

701.08 Utilities - All mobile home parks shall provide utilities including but not limited to electricity, water, and sewer, to each lot. Documentation of the provision of these utilities from the appropriate utility or permitting agency shall be obtained prior to final approval of the mobile home park.

701.09 Recreation Facilities and Open Space - Open space recreation areas shall be provided in all mobile home parks. They should be located away from traffic. In large developments, several small decentralized areas may be provided. Mobile home parks of five (5) or more lots where recreation or open space is provided may have their required lot size and side setbacks reduced by the Supervisors in equal proportion to the amount of space provided over five (5) percent of the area up to twenty-five (25) percent. A similar reduction may be negotiated based on the provision of recreational facilities such as community centers or playground equipment. Provisions for the perpetual care and maintenance of such land and equipment must be made to the satisfaction of the Supervisors.

ARTICLE VIII

EXCEPTIONS TO

STANDARD SUBDIVISION PROCEDURES

Section 801. GENERAL EXCEPTIONS

Application - The standards outlined in this Article shall be applied by the Supervisors in evaluating plans for specialized types of subdivisions and land development project. The standards outlined in this Article shall be considered minimum standards and the Supervisors may require more restrictive standards. Plans for these specialized subdivisions and land development projects shall comply with the following standards, as well as all other applicable provisions of these regulations not in conflict herewith.

Section 802. ACCELERATED PLAN REVIEW

In order to expedite the review and approval process for additions to existing lands and lot line adjustments, the Supervisors may grant modifications and waive some plan requirements, as the situation warrants, and may allow, by resolution, administrative staff to authorize the approval of such applications and such other minor subdivisions and land developments as may arise, providing that the minor subdivisions and land developments conform to all applicable requirements contained in this ordinance.

Section 803. PHASED DEVELOPMENT

803.01 The Supervisors may approve phased development of streets, curbs, drainage facilities, sewer and water lines, and other required improvements, provided that the entire plan for the subdivision or land development is presented to the Supervisors and that the phased completion of improvements conforms to the proposed sequence and extent of development, providing access and services to parties who lawfully occupy or own earlier portions of the approved subdivision or land development.

803.02 The Supervisors may require submission of final plats by section of development.

803.03 Pursuant to Article IX of this ordinance, the Supervisors shall require a performance bond prior to final approval.

Section 804. INNOVATIVE DESIGN

In order to encourage flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments,

and to encourage the provision of amenities not otherwise required by this ordinance or other applicable regulations, the Supervisors may, on a case by case basis, waive, modify, reduce, or otherwise alter the standards and requirements of this ordinance, provided, that such actions advance the purposes of this ordinance as stated in Section 103.01.

Section 805. SEASONAL DEVELOPMENT

All cottages, hunting camp developments, campground and trailer park developments where lots are sold or leased, or other such seasonal-recreational, recreational, or seasonal developments are considered residential subdivisions, and shall be subject to the standards as specified in Article VI including those standards for minimum lot sizes. Travel trailer parks and campground developments where travelers are licensees shall be subject to the regulations as set forth in Article VII.

Section 806. TRAVEL TRAILER PARKS AND CAMPGROUNDS FOR RENTAL

806.01 General Standards - Travel trailer parks and campgrounds shall be subject to all standards set forth for mobile home parks as stated in Article VII except as set forth in this section. In addition, those improvements set forth in Article IX which the Supervisors deems appropriate shall be required.

806.02 Lot Requirements

1. Minimum Lot Sizes - The minimum lot or camp space shall be forty (40) feet wide by eighty (80) feet deep and be not less than three thousand two hundred (3200) square feet in area excluding all roads, driveways, or rights-of-way.

2. Lot Access - All lots or camping spaces shall abut and have forty (40) feet frontage on a street of the park or campground internal street system.

806.03 Parking Requirements - A minimum of one (1) ten (10) foot wide by twenty (20) foot deep stabilized or paved motor vehicle parking space shall be provided for each park lot or campground space within the travel trailer park or campground.

806.04 Internal Street System Requirements

1. Street Improvements and Widths - An internal park or campground system of public or private streets shall be provided and constructed according to right-of-way standards and construction standards set forth in Tables II and III of these Regulations, with the following exceptions:

a. Access to five (5) lots or less may be provided by a stabilized or paved driveway of at least twelve (12) feet in width, providing, that the length does not exceed five hundred (500) feet.

b. Access streets shall be provided for campgrounds with a development potential of from six (6) to twenty (20) sites and shall have a fifty (50) foot right-of-way and a sixteen (16) foot cartway of stabilized material or pavement. The cartway shall be graded and shall be provided with necessary drainage-ways and culverts to properly carry away surface water.

c. Access streets shall be provided for campgrounds with a development potential of more than twenty (20) sites and shall have a fifty (50) foot right-of-way and a twenty (20) foot cartway of stabilized material or pavement. In such campgrounds, the Supervisors may require street pavement, pedestrian walkways, and street lighting, where, in the Supervisors 'judgment, such improvements are desirable.

806.05 Travel Trailer Park Lot Improvements - Travel trailer park lots may be improved for use by independent travel trailers or recreational vehicles (RV's). Independent trailers or RV's used as permanent residences shall not be allowed in travel trailer parks or campgrounds.

1. No more than one (1) recreational vehicle may be placed on any one lot or site.

2. All campsites shall be well-cleared, level, and well-drained.

806.06 Recreation Area - A recreation area must be provided that is forty (40) percent of the entire area of development. The area set aside for recreation shall meet the following specifications:

1. Shape - The shape of this parcel of land shall be adequate for a variety of recreational activities.

2. Location - The recreation area shall be located to serve the recreation and open space needs of those for whom the park is being developed.

3. Access - Access to the recreation areas shall be provided either by a joining street frontage or easement to the open space parcel. Easement shall be of sufficient width to allow maintenance equipment access to the land.

4. Usability - The recreation land shall be usable for recreation. Swampy or steeply sloping land may be considered unusable for some recreational purposes.

806.07 Water Supply - Adequate quantities of potable water must be provided. Supplies must be adequate to accommodate peak use demand.

806.08 Sewage Facilities - Sewage facilities shall be constructed in accordance with the requirements of the Department of Environmental Resources and Article VI of this ordinance, if applicable. RV sewage dump station facilities shall be of sufficient size to accommodate peak user demand plus adequate storage for thirty (30) days.

Section 807. COMMERCIAL DEVELOPMENT

807.01 General Standards - Commercial development plans shall comply with the following standards and requirements as well as all other applicable provisions of these regulations not in conflict herewith, including the submission of plans in conformity with Article III and IV of these regulations.

807.02 Site Standards

1. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.

2. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Soil Conservation Service recommendations.

807.03 General Design - The layout within commercial development areas shall be designed in accordance with any applicable zoning ordinance and with consideration of site conditions to insure:

1. Desirable land utilization.

2. Convenient and safe traffic circulation and parking.

3. Adequate service, delivery and pickup.

4. Design coordination with adjacent parcels of land.

807.04 Circulation

1. Access to public streets shall be limited to well-defined entrance and exit lanes. The Supervisors may impose restrictions on the number of access points and the distance between them and between them and street intersections. Such restrictions shall generally follow accepted Pennsylvania Department of Transportation standards.

2. The Supervisors may require that exit lanes shall be separated from entrance lanes by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per hour for any part of any day.

3. Painted lines, arrows, and dividers shall be provided to control parking and circulation.

4. Where possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

807.05 Parking Area Requirements

1. Five and five tenths (5.5) spaces per one thousand square feet of gross building area shall be provided. This requirement may be reduced if the applicant can show, to the satisfaction of the Supervisors, that the nature of the commercial development will not generate sufficient traffic to warrant such parking requirements.

2. Where possible, parking isles shall be designed diagonally or at right angles to buildings, rather than parallel to buildings, for better accessibility for pedestrians.

3. Parking areas shall be set back from street right-of-way lines and property boundaries at a minimum of fifteen (15) feet.

4. The setback area between parking areas and street right-of-way lines and property lines shall be maintained as a planting area for vegetation whose mature height will not obstruct sight distance for vehicles entering or leaving the site.

5. Construction standards for minor collector streets, found in Tables II and III, shall be minimum requirements for all parking areas, service drives, and entrance and exit lanes.

807.06 Screening - Natural screening or fencing shall be provided where the commercial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Supervisors determines that the activities on the site represent a danger to residents of the adjacent site.

Section 808. INDUSTRIAL DEVELOPMENT

808.01 General Standards - All industrial land development plans shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith, including the submission of plans in conformity with Articles III and IV of these Regulations.

808.02 Site Standards

1. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.

2. Adequate storm drainage facilities shall be provided. Such facilities shall comply with Soil Conservation Service recommendations.

808.03 Off-street Parking - Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees shall be provided.

808.04 Loading Areas - All loading and unloading and service areas shall be provided as off-street parking and shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

808.05 General Design Standards - The layout of the industrial area shall be designed according to any applicable zoning ordinance and should provide:

1. The most efficient arrangement for present use and future expansion.

2. The provision of adequate and safe space for employee and customer access and parking.

808.06 Screening

1. Natural screening or fencing shall be provided where the industrial development abuts residential property or other incompatible uses. Natural screening shall consist of trees or shrubs at least eight (8) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least eight (8) feet high and be of a type that provides a similar level of visual screening as natural growth. Fencing may be required if the Supervisors determines that the activities on the site represent a danger to the residents of the adjacent site.

2. All storage service or other unsightly areas within the industrial development shall be adequately screened from the adjacent developments and street.

808.07 Industrial Waste - Applicants proposing industrial developments shall provide confirmation and documentation of Pennsylvania Department of Environmental Resources permits for adequate treatment of any industrial wastes generated within the development. Adequate air and water pollution controls shall be required within these developments. Pursuant to Article IX of this ordinance, a performance bond for provision of these controls shall be required for final approval.

Section 809. PUBLIC HEARINGS

The applicant or the Supervisors may require a public hearing relating to these exceptional subdivisions and land developments as they are brought before the Supervisors. The public hearing must be within thirty (30) days of the request by either party. Public notice, subject to the provisions set forth in Article I, Section 107 of Act 170, shall be given. Schedules, deadlines, and other procedural requirements in this ordinance shall be postponed by no more than forty-five (45) days as a result.

Section 810. MEDIATION

The Supervisors may offer a mediation option as an aid in completing proceedings authorized in this section and as authorized by Article V, Section 508 of Act 170: "Approval of Plats". In exercising this option, the Supervisors and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 170.

ARTICLE IX

REQUIRED IMPROVEMENTS

Section 901. DEFINITION

In this section, the word "Supervisors" may refer to either the Clifford Township Supervisors or the Clifford Township Planning Commission, as determined by Act 170, Article 5, Sections 509, 510, and 511.

Section 902. GENERAL REQUIREMENTS

The following improvements shall be installed by the applicant or the applicant's agent or a guarantee suitable to the Supervisors shall be provided by the applicant which shall ensure the provision of the improvements at the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements are approved and the improvements are installed or maintained in a satisfactory state of repair or until a suitable guarantee is provided.

Section 903. STREETS

903.01 Streets and Utilities - Streets shall be improved 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 or the applicants agent must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. All streets, unless otherwise noted in these regulations, shall be constructed in accordance with municipal and state regulations. At a minimum, all streets shall be subject to the standards in Tables II and III.

903.02 Alternate Street Paving Option - The Supervisors may approve an alternate method of street paving placed and treated in accordance with the latest specifications of the Pennsylvania Department of Transportation.

SECTION 904. CURBS AND GUTTERS

904.01 Curbs - Curbs shall be provided on all streets and parking compounds located within multi-family land developments. Curbs shall also be required on new streets in developments which have a typical lot width of less than eighty (80) feet. Curbs may be either the vertical concrete type or rolled bituminous curb and gutter type. Bituminous curbs and gutters shall not be used along major traffic streets. The transition from one type of curb to another shall be affected only at a street intersection. All curbs shall be constructed of concrete with

expansion joints every twenty (20) feet, or bituminous curbs placed by curbing machines. Curb size shall follow Pennsylvania Department of Transportation specifications.

904.02 Gutters - In areas where curbing is not used, gutters shall be provided and stabilized to avoid erosion. The Supervisors requires the applicant to submit erosion, sediment control, and stormwater drainage plans when any excavation or grading of land is proposed as part of the development. The current guidelines, including standards and specifications used by the Susquehanna County Soil Conservation District are hereby incorporated as a part of these regulations by reference.

Section 905. SEWAGE

905.01 Community Sewer System - When the subdivision or land development is to be provided with a complete sanitary sewer collection system connected to a community sanitary sewer system, a permit from the Department of Environmental Resources and a statement of approval from the authorized agent of the sewage system to which it will be connected shall be submitted to the Supervisors. Provisions for the perpetual care and maintenance of a private community sewer system shall be made to the satisfaction of the Supervisors.

905.02 On-lot Sewage Disposal - When the subdivision or land development is to be provided with an on-lot sewer system, a permit from the Department of Environmental Resources shall be provided.

Section 906. WATER

1. The subdivision or land development shall be provided with an individual water supply or with a community water supply approved by the engineer of the applicable water utility and the Pennsylvania Department of Environmental Resources with satisfactory provisions for the maintenance thereof.

2. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A statement of the approval from the water supply agency to which the subdivision or land development will be connected, shall be submitted to the Supervisors. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Supervisors and municipality.

3. Where required by the municipality or the Supervisors, fire hydrants shall be provided as an integral part of

any public water supply system. Fire hydrants shall be appropriately spaced and shall not be greater than six hundred (600) feet apart. Minimum flow rates shall be in accordance with the standards of the National Fire Underwriters.

4. In subdivisions or land developments proposing to utilize individual on-lot wells or a new community water system, the Supervisors may require the applicant to drill and test a well and provide a report on the quantity and quality of groundwater at the site. Such requirement may be invoked in situations where the area is known to have water yield or quality problems, or where the Pennsylvania State Water Plan or the U.S. Geological Survey Water Resource Reports, or other technical studies indicate a potential low yield or inadequate water quality, or where the proposed residential development is fifty (50) lots or greater or the commercial, institutional, or industrial land development will involve a water withdrawal of ten thousand (10,000) gallons per day or more. The report shall include those items described in the Public Water Supply manual of the Department of Environmental Resources. Where the water supply system will involve jurisdiction of the Pennsylvania Public Utilities Commission, the water supply study shall also incorporate information required by the P.U.C. Individual water supplies shall conform to the DER Construction Standards for Individual Water Supplies.

5. All water systems located in flood-prone areas, whether public or private, shall be flood-proofed to a point one and one-half (1.5) feet above the one hundred (100) year floodplain elevation.

Section 907. STORM DRAINAGE

Storm sewers, culverts, diversion ditches, and related installations shall be provided to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points, and to intercept storm water run-off at intervals reasonably related to the extent and grade of the area drained. Provisions for the care and maintenance of such facilities shall be made to the satisfaction of the Supervisors.

Section 908. UTILITIES

Where possible, telephone, electric, T.V. cable, and other such utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Supervisors. Underground installation of the utility distribution and service lines shall be completed prior to

street paving and gutter, curbing, and sidewalk installation.

Section 909. MONUMENTS AND ADDITIONAL MARKERS

909.01 Monuments - Monuments shall be set at the intersection of all new external lines forming angles in the boundary of the subdivision. Monuments may be of the following three types:

1. Concrete 6" by 6" by 30" long or 6" in diameter by 30" long with a 1/2" round steel pin in the center; or

2. Not less than a 2" round galvanized 36" long pipe with a lock-on steel cap; or

3. 3/4" rod 36" long with a 3" compression cap.

Existing monuments, when found, shall not be removed or disturbed. Anyone tampering with a monument shall be in violation of this ordinance and subject to the penalties specified herein.

909.02 Additional Markers - Iron pin markers shall be set at the beginning and end of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all corner lots. Markers shall be steel rods at least 15" long and not less than 3/4" in diameter.

Section 910. PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

910.01 Methods to be followed - After approval of the preliminary plan, the applicant shall provide for the installation of the required improvements by any of the following methods:

1. Before requesting final plan approval, the developer must:

   a. install all the improvements required by this ordinance at the standards required; or

   b. file with the municipality and the Supervisors a performance guarantee, payable to the Supervisors, to insure the installation and construction of all required improvements at the standards required.

2. At the time each improvement is to be installed and again upon its completion, the developer must notify the Supervisors to this effect so that adequate inspection can be made. The Supervisors shall have a maximum of thirty (30) days from receipt of such notification to inspect, or secure certification from a licensed engineer, hired by the Supervisors at the

expense of the developer, that the improvements have been completed in accordance with the approved plan.

3. The Supervisors shall notify the applicant in writing within fifteen (15) days of receipt of the engineers report as to the approval or disapproval of the improvements.

910.02 Performance Guarantee - No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free condition or otherwise permanently passable condition, or otherwise improved as required by this ordinance except that in lieu of the completion of any improvements required as a condition for the final approval of a plat, including phased developments, the Supervisors may require the posting of a performance guarantee.

1. Posting - The performance guarantee must be as provided in Act 170. The Supervisors retains all rights to approve or disapprove the form of performance guarantee offered in place of the planned improvements. The performance guarantee must:

   a. be a surety bond, certified check, irrevocable letter of credit or restrictive or escrow account from a federal or Commonwealth chartered lending institution, or other security satisfactory to the Supervisors;

   b. be payable to the Supervisors;

   c. be posted with a bonding company or federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided, that the bonding company or lending institution is authorized to conduct such business within the Commonwealth;

   d. 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.

2. Amount -

   a. The performance guarantee shall be in an amount equal to one hundred-ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant. Annually, the Supervisors may adjust the amount of security by comparing the 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 Supervisors may require the applicant to post additional security in order to assure that the financial security equals said one hundred-ten (110) percent.

b. 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 Supervisors may refuse to accept such estimate for good cause shown. If the applicant and the Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the municipality 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 Supervisors and the applicant.

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

3. Jurisdictions Separate from the Supervisors - 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 Supervisors, 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.

4. Contingent Approval - When requested by the applicant, in order to facilitate financing, the Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant.

5. Permits - If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Supervisors shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

6. Dedication of Improvements or Maintenance Guarantee - Where the Supervisors accept dedication of all or some of the required improvements following completion, the Supervisors require the posting of financial security

to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

7. Release from Performance Guarantee - When the improvements have been completed and approved for conformity with these regulations by a registered professional engineer or other qualified individual employed by the Supervisors or other person designated by the Supervisors, the guarantee must be released and returned subject to the following:

   a. Partial, Sequenced, or Phased Improvements - As the work of installing the required improvements proceeds, the party posting the financial security may request the 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 Supervisors, and the Supervisors shall have forty-five (45) days from receipt of such request within which to allow its agent/engineer to certify, in writing, to the Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Supervisors or its agent fairly representing the value of the improvements completed or, if the Supervisors fails to act within said forty-five (45) day period, the Supervisors shall be deemed to have approved the release of funds as requested. The Supervisors may, prior to final release at the time of completion and certification by its agent/engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

   b. Completion of Improvements - When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Supervisors, in writing, by certified or registered mail, of the completion of the

aforesaid improvements and shall send a copy thereof to the Supervisors's agent/engineer, if any. The Supervisors shall, within ten days after receipt of such notice, direct and authorize the agent/engineer to inspect all of the aforesaid improvements. The agent/engineer shall, thereupon, file a report, in writing, with the 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 agent/engineer of the aforesaid authorization from the 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 agent/engineer, said report shall contain a statement of reasons for such non-approval or rejection.

c. Notification - The Supervisors shall notify the applicant within fifteen (15) days of receipt of the agent/engineer's report, in writing, by certified or registered mail, of the action of said Supervisors with relation thereto.

d. Timeliness - If the Supervisors or its agent/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 guarantee bond or other security agreement.

e. Right to Contest - 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 Supervisors or its agent/engineer.

f. Consultant - Where herein reference is made to the agent/engineer, he shall be as a consultant thereto.

g. Inspection Fees - The Supervisors may prescribe that the applicant shall reimburse the Supervisors for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the

agent/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 agent/engineer or consultant to the Supervisors when fees are not reimbursed or otherwise imposed on applicants.

1. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Supervisors that such expenses are disputed as unreasonable or unnecessary, in which case the Supervisors 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 agent/engineer expenses.

2. If, within twenty (20) days from the date of billing, the Supervisors and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Supervisors shall jointly, by mutual agreement, appoint a professional engineer licensed as such in the Commonwealth 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 Supervisors 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 municipality is located (or if at the time there be no President Judge, then the senior active judge then

sitting) shall appoint such engineer, who, in that case, shall be neither the Supervisors's agent/engineer nor any professional engineer who has been retained by, or performed services for, the Supervisors or the applicant within the preceding five 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 required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by $1,000 or more, the Supervisors shall pay the fee of the professional engineer, but otherwise the Supervisors and the applicant shall each pay one-half of the fee of the appointed professional engineer.

8. 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 plat, the Supervisors may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other purposes.

ARTICLE X

ADMINISTRATION

Section 1001. DEFINITION

In this section, the word "Supervisors" may refer to either the Clifford Township Supervisors or the Clifford Township Planning Commission, as determined by Act 170, Article V, Sections 515.1 and 515.3.

Section 1002. REVISION AND AMENDMENT

1002.01 Township Supervisors May Amend Regulations - The Township Supervisors may, at their discretion, revise, modify, or amend these regulations by appropriate action taken after a scheduled public hearing as provided in the Act 170, Article V, Section 505.

1002.02 Consideration - The Supervisors shall give consideration to changes or modifications suggested by any applicant or property owner when such changes or modifications shall advance the purposes of this ordinance as specified in Article I, Section 103.

Section 1003. MODIFICATIONS/WAIVERS

1. The Supervisors, under the authority herein before delegated may grant a modification or waiver from the requirements of one or more of the provisions within this subdivision and land development ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or waiver will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

2. All requests for a modification or waiver shall be in writing and shall accompany and be part of the application for subdivision or land development review. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved, and the minimum modification necessary.

3. The Supervisors shall keep a written record of the action on all requests for modifications and/or waivers.

1003.01 Hardship - In reviewing the applicant's request for a modification/waiver from these Regulations, the following criteria should be used.

1. An unnecessary hardship should be established upon a finding of fact.

2. The particular hardship must stem from these regulations.

3. The situation must be unique, not one shared similarly by other properties in the neighborhood.

4. The hardship cannot be self-created by the property owner.

5. Hardship is not to be construed to mean that less profit will be made under the existing regulations than might be realized with the granting of a modification/waiver.

6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or by the community as a whole.

7. If these regulations were in existence at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of the purchase. The changed condition must have a unique bearing on the parcel under question.

1003.03 Supervisors May Impose Conditions - In granting modifications/waivers, the Supervisors may impose such conditions as will, in its judgment, secure substantially the original objectives of the now modified requirements.

Section 1004. APPEALS

1004.01 Reconsideration - If, upon the judgment of the Supervisors the applicant has additional relevant information to present, any applicant aggrieved by a finding, decision, or recommendation of the Supervisors may request and receive reconsideration of the original finding, decision, or recommendation by the Supervisors.

1004.02 Mediation - The Supervisors may offer a mediation option as an aid in completing proceedings authorized by Article V, Section 508 of Act 170: "Approval of Plats". In exercising this option, the Supervisors and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 170.

1004.03 Appeal to Court of Common Pleas

1. Any applicant aggrieved by a finding, decision, or recommendation of the Supervisors may appeal such

finding, decision, or recommendation to the Common Pleas Court.

2. All subdivision and land development appeals shall be filed not later than thirty (30) days after issuance of notice of the decision or report of the Supervisors. All appeals shall be in accordance with the provisions of Article V, Act 170.

Section 1005. COMMISSION RECORDS

The Supervisors shall keep a public record of its findings, decisions, and recommendations relative to all development plans filed with it for review.

Section 1006. SANCTIONS AND PENALTIES

1006.1 Approval by Supervisors - No subdivision or land development plan shall be received or recorded in any public office unless it bears thereon endorsement to the effect that it has been approved or reviewed by the Supervisors as prescribed by law.

1006.02 Preventative Remedies -

1. In addition to other remedies, 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 transfer to other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The 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, provided that the applicant is:

   a. the owner of record at the time of such violation; or

   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; or

   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; or

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.

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 Supervisors may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

1006.03 Enforcement Remedies - Any person, partnership, or corporation who which has violated the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement initially brought before a district justice by the Supervisors, pay a judgment of not more that $500 plus all court costs, including reasonable attorney fees incurred by the Supervisors as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays not timely appeals the judgment, the Supervisors may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

Section 1007. SEVERABILITY

The provisions of this ordinance are severable. If any provision, sentence, clause, or section of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such constitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this ordinance. It is hereby declared to the intent of the Clifford Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section had not been included herein.

Section 1008. REPEALER

All subdivision and land development ordinance and amendments adopted by the Supervisors of Clifford Township prior to the effective date of this ordinance are hereby repealed, provided however, that preliminary plans before the Supervisors prior to this date shall be considered under the provisions in effect at the time of filing such plans with the Supervisors.

Section 1009 EFFECTIVE DATE

The Clifford Township Subdivision and Land Development Ordinance shall become effective 4/6/92. This ordinance shall apply to all preliminary and final plans submitted to the Supervisors on or after 4/6/92 except those final plans for which a preliminary plan had previously been approved. In such case, the Susquehanna County Subdivision and Land Development Ordinance of October 1990 shall remain effective.

This ordinance ordained and enacted 4/6/92, by the Supervisors of the Clifford Township,

T. R. Williams
Chairman/Supervisors

Dick Carter

Attest:

Rachel Lockner
Township Secretary