

**SUBDIVISION  
AND  
LAND  
DEVELOPMENT  
ORDINANCE**

WHARTON TOWNSHIP  
FAYETTE COUNTY, PENNSYLVANIA

**ORDINANCE NUMBER TWO OF 2002**

Recodifying, amending, and repealing in part

ORDINANCE NUMBER FOUR OF 1981  
Effective August 22, 1981

Enacted January 7, 2002  
By  
THE SUPERVISORS OF WHARTON TOWNSHIP

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## ORDINANCE NO. 2 OF 2002

### WHARTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

#### ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Wharton, Fayette County, Pennsylvania, by authority of and pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code" (53 P.S., Section 10101, et seq.) and any amendments thereto as follows:

### ARTICLE I – GENERAL PROVISIONS

#### 101 TITLE

**AN ORDINANCE REESTABLISHING AND AMENDING RULES, REGULATIONS, AND STANDARDS CONCERNING THE SUBDIVISION OF THE LAND, LAND DEVELOPMENT, AND MOBILE HOME PARKS WITHIN THE TOWNSHIP OF WHARTON, FAYETTE COUNTY, PENNSYLVANIA: SETTING FORTH PROCEDURES TO BE FOLLOWED IN APPLYING AND ADMINISTERING THE ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

#### 102 SHORT TITLE

This ordinance shall be known and may be cited as the "Wharton Township Subdivision and Land Development Ordinance"

#### 103 PURPOSE

It is the general intent of this Ordinance to regulate the subdivision and development of the land in Wharton Township to insure that:

1. The Layout of arrangement of the *subdivision* or *land development* and all other characteristics of the *subdivision* or *land development* shall conform to the Comprehensive Plan for Wharton Township, as may be amended from time to time, and shall further the orderly and appropriate use of the land.
2. Streets in and bordering a *subdivision* or *land development* shall be coordinated with existing streets, and other features of the Township, and shall be of such widths and grades in such locations as deemed necessary to accommodate and regulate flows of prospective traffic.
3. Adequate easements or right-of-way shall be provided for drainage and utilities.

4. Land which is subject to flooding, subsidence, or other environmental limitation either shall be made safe for the purpose for which such land is proposed to be used or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
5. Adequate provisions for safety from fire, panic, and other dangers shall be provided for in subdivisions and land developments.

## **104 AUTHORITY**

- 104.1 The Wharton Township Board of Supervisors is vested by law with the control of the *subdivision* and *land development* located within the limits of the Township. The Supervisors retain the authority to approve all *subdivision* and *land development* plans as required herein.
- 104.2 The Wharton Township Planning Commission is hereby vested with authority to review and make recommendations on all preliminary and final *subdivision* and *land development* plans.

## **105 APPLICATION OF REGULATIONS**

### **105.1 Subdivision and Land Development Control**

No *subdivision* or *land development*, as herein defined, of any lot, tract, or parcel of land shall be made; and no street, driveway, parking area, utility easement, sanitary sewer, storm sewer, water main, or other *improvements* in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Ordinance. No lot in any *subdivision* may be sold, leased, or otherwise used by anyone other than the original owner, and no permit to erect, alter or repair any building upon land in a *subdivision* or *land development* may be issued; and no building may be erected in a *subdivision* or *land development*, unless and until a final *subdivision* or *land development* plan has been approved and, when required, recorded; and until the required *improvements* have either been constructed or guaranteed as herein provided.

### **105.2 Compliance Requirements**

*Subdivisions* and *land developments*, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: filing preliminary plans (where required) and final plans, obtaining approval thereof, completion of required improvements, and the payment of fees and charges as established by resolution of the Supervisors.

### **105.3 Conflict With Public and Private Provisions**

**A. Public Provisions.** Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**B. Private Provisions.** This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of those regulations or the determinations of the Supervisors in approving a *subdivision* or *land development* or in enforcing this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

## **106 MODIFICATIONS**

- 106.1** If literal enforcement of any provision of these regulations is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship because of peculiar conditions pertaining to the land, the Board of Supervisors may grant modification to such applicant from such mandatory provisions; provided that such modification is the minimum modification necessary, that it will not be contrary to the public interest, and that it will not have the effect of nullifying the intent and purpose of this Ordinance.
- 106.2** In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgement, substantially secure the objectives of the standards or requirements so modified.
- 106.3** All request for modifications shall be in writing. The request will be referred to the Township Planning Commission for advisory comments. The Supervisors shall keep a written record of all action on such requests.

## **107 PREVENTIVE REMEDIES**

- 107.1** In addition to other remedies, Wharton Township may institute and maintain appropriate actions at law or in equity to restrain, correct, enjoin or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the sell or transferor from such penalties or from the remedies herein provided.
- 107.2** Wharton Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

**A.** The owner of record at the time of such violation.

- B. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard to whether such current owner had actual or constructive knowledge of the violation.

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

**107.4** Upon request the Zoning Officer shall provide a certificate indicating whether or not a particular property has been subdivided or developed in accordance with the provisions of this Ordinance and/or the provisions of the Wharton Township Zoning Ordinance. The charge for such certificate shall be set by the Supervisors by resolution. Failure to obtain such a certificate prior to acquisition of the property shall render the grantee responsible for any pre-existing violations.

## **108 ENFORCEMENT REMEDIES**

**108.1** Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land who has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Wharton Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by Wharton Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Wharton Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this 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 (5<sup>th</sup>) 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.

**108.2** The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.

**108.3** Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than Wharton Township the right to commence any action for prevention or enforcement pursuant to this Ordinance.

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

**109 REPEALER**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed as of the effective date set forth hereinafter.

**110 SEVERABILITY**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such shall not affect or impair any of the remaining provisions of this Ordinance.

**111 EFFECTIVE DATE**

This Ordinance shall take effect five (5) days after the adoption of this Ordinance, and shall apply to all subdivisions and *land developments* for which an application for approval was not pending or approved on such effective date. The previous ordinance otherwise repealed hereby shall continue to apply to subdivisions and *land developments* previously approved or applied for and pending on such effective date, or those initiated by recordable documents previous to such effective date for which municipal approval was not required; all with the exception of the enforcement provisions hereof, which shall apply to all violations occurring or continuing after such effective date.

## ARTICLE II - DEFINITIONS

### 201 INCLUSIONS

The definitions set forth in the Municipalities Planning Code are incorporated herein by reference, except to the extent clarified or made more specific herein. As used in this Ordinance, words in the singular include the plural and those in the plural include the singular; the present tense includes the future; and words in the masculine gender include the feminine and the neuter. The word "person" includes a corporation, unincorporated association, or partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof." The word "street" includes avenue, boulevard, court, expressway, highway, lane, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" and the phrase "may be required" are permissive; the words "shall" and "will" are mandatory.

### 202 DEFINITIONS OF TERMS

**Adjoining land merger subdivision**-those subdivisions which divide a single lot, tract or parcel of land into two or more lots, tracts or parcels of land for the purpose of enlarging or merging with an abutting parcel of land. These subdivisions do not plan, propose or require by law or ordinance any construction, erection, extension, improvement or alteration of any public or private street, water line, sewer line, storm drainage line, watercourse or public work, public facilities or public service. The subdivider shall follow the requirements for a minor subdivision, as provided in this Ordinance, and shall prepare and record a new deed describing the newly acquired parcel and the abutting parcel as one tract of land within ninety (90) days of the approval of the subdivision. The subdivider shall submit to the Township Secretary a stamped copy of the recorded deed and the recording receipt as proof of compliance with this section. The same shall be required when an adjoining land merger occurs within a major subdivision. See Zoning Ordinance No. 1 of 2002, Article IX for enforcement.

**alley** - a minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

**block** - an area divided into lots and bounded by streets.

**building** - a combination of materials to form a permanent structure having walls and a roof, including but not limited to, all mobile homes and trailers.

**Certificate of Registration for Mobile Home Parks** - written approval as issued by the Pennsylvania Department of Environmental Protection authorizing a person to operate and maintain a *mobile home park*.

**clear sight triangle** - an area of unobstructed vision at street intersections defined by lines of sight between two points one hundred feet (100') from the intersection of street center lines.

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

**condominium** - ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

**County** - the County of Fayette, Pennsylvania.

**County Planning Commission** - the Planning Commission of the County of Fayette.

**cul-de-sac** - a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

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

**Department of Environmental Protection (DEP)** - the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments, and/or agencies, as may from time to time be established, or such Department or Departments as may in future succeed it.

**designated flood plain area** - a relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation in a 100-year flood as designated in Section 5.06b of the Wharton Township Zoning Ordinance as amended.

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

**development** - any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the *subdivision* of land.

**drainage** - the removal of surface water or groundwater from land by drains, grading, or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development.

**driveway** - a private vehicular passageway providing access between a street and a private parking area or private garage.

**dwelling** - any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels, and other accommodations used for transient occupancy.

**easement** - a grant of limited use of private land for a public or quasi-public purpose.

**Engineer** - a registered professional engineer in Pennsylvania designated by the Wharton Township Supervisors.

**erosion** - the removal of surface materials by the action of natural elements.

**excavation** - any act by which earth, sand, gravel, rock, or any other similar material is dug into, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

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

**final plan** - a complete and exact *subdivision plan or land development plan*, prepared for official recording as required by statute, to define property rights and proposed streets and other *improvements*.

**flood plain** - the area along a natural watercourse which is statistically likely to be overflowed by water at least once in one hundred (100) years.

**improvements** - those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, public or private street construction, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways for use by more than one lot, culverts, and street shade trees.

**improvements bond** - any security acceptable to the Township, including cash, a certified check, a letter of credit, a corporate performance bond, or a labor and material payment bond from an approved surety company which may be submitted to guarantee the completion of the *improvements* required by this Ordinance.

**land development** - any of the following activities over a period of time after the effective date of this revised ordinance:

- A. the improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
  - (2) the division or allocation of land or space, whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. a *subdivision* of land.
- C. "*land development*" does not include development which involves:
  - (1) the conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**land development plan** -the drawings and other documents specified herein to be submitted to obtain approval of a *land development* or *subdivision*, including all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities.

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

**lot, corner** - a lot abutting upon two or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred and fifty (150) feet in length, either frontage may be designated as the "front" of the lot.

**lot, double frontage** - an interior lot which abuts streets in both the front and rear.

**lot, interior** - a lot having side lot lines which do not abut on a street.

**lot, minimum width** - the distance between the side lot lines measured at the building setback line.

**lot, nonconforming** - a lot of record at the time of the adoption of this Ordinance or its predecessors, which by reason of area or dimension does not conform to the requirements of this Ordinance.

**lot, reverse frontage** - a lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

**major subdivision or land development** - any *subdivision* or *land development* which does not comply with the definition of *minor subdivision or land development* set forth herein. Adjoining land merger subdivisions may be major subdivisions, when the number of lots created is eleven (11) or more.

**minor subdivision or land development** - a *subdivision* or *land development* that does not involve:

- (A) the installation or construction of *improvements* required by this Ordinance;
- (B) any new or substantially modified street or driveway access to a State or Township road unless a proper road occupancy permit has been obtained and the access constructed and approved prior to plan submission;
- (C) any requirement for revision to the Township's Official Sewage Facilities Plan (currently applicable to *subdivisions* of eleven (11) lots or more, counting any residual lands as a lot for this purpose only);
- (D) any substantial adverse impact on the residual tract or other adjoining tract;
- (E) a violation of the Wharton Township Comprehensive Plan, the Wharton Township Zoning Ordinance, this Ordinance, any other Wharton Township Ordinance, or any other Federal, State, or County laws, regulations, or ordinances.

The addition of acreage to an existing lot and adjoining land mergers or lots (so long as new lots in excess of the above limits are not created); or the replotting of previously approved lots; or the correction of previous survey errors or inconsistencies will normally qualify as a *minor subdivision*.

**mobile home** - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**mobile home lot** - a parcel of land in a *mobile home park*, improved with utility connections and other appurtenance necessary for the erection thereon of a single mobile home.

**mobile home park** - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**monument** - a concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

**Municipal Authority** - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

**Municipalities Planning Code** - Act of Assembly of July 31, 1968, P.L. 805, as amended.

**one hundred year flood** - a flood that on the average is likely to occur once every one hundred years.

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

**person** - an individual, partnership, corporation, or other legally recognized entity.

**Planning Commission** - the Planning Commission of Wharton Township.

**plan** - a map or plan of a *subdivision* or *land development* indicating the location and boundaries of individual properties.

**preliminary plan** - a tentative *subdivision plan* or *land development plan*, showing approximate proposed street and lot layout and *improvements* as a basis for consideration prior to preparation of a *final plan*.

**reserve strip** - a narrow parcel of ground inadequate for building purposes separating a street, a proposed street, or a tract of property from other adjacent property.

**resubdivision** - any *subdivision* or transfer of land, laid out on a plan which has been approved by the Supervisors which changes or proposes to change property lines and/or public right-of-way not in strict accordance with an approved plan.

**right-of-way** - land legally dedicated for public purposes, including but not limited to a street, alley, or walk.

**roadway** - the portion of a street or alley improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder.

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

**sanitary sewage disposal system, on-site** - any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot, or a tract of lots.

**sanitary sewage disposal system, public** -a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

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

**service building** - a structure which contains operational office, recreational, sanitary, maintenance, or other facilities built for the exclusive use of the mobile home residents or owner.

**setback line** - the line within a property defining the required minimum distance between any structure and the edge of the adjacent legal right-of-way or property line, thus defining front, side and rear yards where required by this Ordinance or the Wharton Township Zoning Ordinance.

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

**sewer riser pipe** - that portion of the sewer lateral which extends vertically to the ground elevation and terminates at a designated point at each mobile home space.

**shoulder** - the portion of a street between the curb or gutter and the travelway intended for emergency and parking use.

**sight distance** - the extent of unobstructed vision along a street, as defined in Section 504 of this Ordinance.

**single lot land development** - a *land development* which involves a single nonresidential building or structure on a lot or lots which are existing lots of record in a plan of *subdivision* which has been duly recorded in the Office of the Recorder of Deeds of Fayette County.

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

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

**soil erosion and sedimentation control plan** - a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

**soil percolation test** - a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**street** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other way used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **Rural Service Roads:** Roads located in substantially rural areas and providing direct access to abutting houses or farm properties. Since certain of these roads eventually may become a part of the Township's feeder or residential service street system, sufficient right-of-way is required for this possibility.
- B. **Residential Service Streets:** Streets providing direct access to abutting residential properties and ideally carrying no through traffic. These streets are ordinarily part of a *subdivision*.
- C. **Feeder Roads:** Roads designed to collect traffic from residential areas and feed it to the connector and arterial system and sometimes to connect business and other areas of the community.
- D. **Connector Highways:** Traffic ways which provide the principal connections among communities and to the arterial highway system.
- E. **Arterial Highways:** Major highways serving large volumes of relatively long distance traffic, and intended primarily for intercity and commuter traffic at high speeds, including both limited access expressways and arterial highways which have access to adjacent properties and intersections at grade.
- F. **Marginal Access Streets:** Residential service streets parallel and adjacent to feeder, connector, or arterial streets, providing access to abutting properties and control of intersections with the feeder, connector, and arterial streets.

**structure** - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**subdivider** - the owner, or the authorized agent of the owner, of a *subdivision*.

**subdivision** - the division or redivision, over a period of time after the enactment of this revised ordinance, of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcel, or other divisions of land including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the *subdivision* by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

**surveyor** - a licensed surveyor registered by the Commonwealth of Pennsylvania

**swale** - a low-lying stretch of land which gathers or carries surface water runoff.

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

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

## ARTICLE III - PROCEDURES

### 301 GENERAL PROCEDURE

#### 301.1 Classification of Subdivisions and Land Developments

Whenever any *subdivision* of land or *land development* is proposed, before any unconditional contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed *subdivision* or *land development* shall be granted, the Owner or his authorized agent shall apply for and secure approval of such proposed *subdivision* or *land development* in accordance with the following procedures for *subdivision* and *land development*.

#### 301.2 Required Plans

A *subdivision* plan, consolidation plan or *land development plan* approved in accordance with this Ordinance is required for any *subdivision*; any consolidation of two or more parcels of land for development; any *re-subdivision* of any land; and any *land development*.

#### 301.3 Pre-Application Consultation

Prior to filing an application for approval of a *subdivision* or *land development* within the Township, the Owner or his authorized agent may meet with the Township Planning Commission, the Supervisors, or the Township Engineer for classification of his proposed *subdivision* or *land development*. The Township shall advise the Owner or his authorized agent which of the procedures contained herein must be followed.

#### 301.4 Official Filing Date

- A. Applications and plans must be received no less than ten (10) days before the next regular planning commission meeting to permit the Township Engineer the opportunity to review the plans.
- B. When the application and plans are filed ten (10) days or more prior to the next regular planning commission meeting, the official filing date shall be the first regularly scheduled meeting date.
- C. When applications and plans are filed nine (9) or less days prior to the next regular planning commission meeting, the official filing date shall be the thirtieth (30<sup>th</sup>) day following the day the application and plans were submitted to the Township Secretary.
- D. In any case, the Township Board of Supervisors shall render a decision and communicate it to the applicant no later than ninety (90) days after the official filing date.
- E. In any case, the Township Board of Supervisors or the planning commission may request the applicant submit a written consent extending the decision period to a specific date or providing for a certain manner of communication.
- F. Upon receipt of an application for subdivision or land development approval, the Township Secretary shall affix to the application both the date of submittal, the official filing date, and the end of the ninety-day decision period.

### **301.5 County Planning Commission Review**

All plans shall be submitted to and reviewed by the Fayette County Planning Commission in accordance with its then prevailing rules and regulations. The Supervisors shall not approve any application or plan until a report has been received or until the expiration of thirty days from the date the application was so submitted.

## **302 FEES**

### **302.1 Review Fee**

A Review fee shall accompany the *preliminary plan* and all other applications. No application shall be accepted or acted upon until payment is made to the Township. The Supervisors shall create by resolution a schedule of fees to be paid by the subdivider or land developer to defray the cost of administering and processing plans. The schedule of fees may be changed from time to time by resolution of the Supervisors.

### **302.2 Engineering Fees**

- A. Review fees shall include the reasonable and necessary charges of the Township Engineer for review and report to the Township, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer to the Township when fees are not reimbursed or otherwise imposed on applicants.
- B. Where unusual features of the *subdivision or land development plan* require additional review time by the Township Engineer, additional review fees shall be billed to the subdivider or land developer. In the event the applicant disputes the amount of any such additional review fees, the applicant shall, within ten (10) days of the billing date, notify the Township in writing that such fees are disputed, in which case the Township shall not delay or disapprove a *subdivision or land development* application due to the applicant's dispute over fees.
- C. In the event that the Township and the Applicant cannot agree on the amount of additional review fees which is reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, the fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

## **303 MINOR SUBDIVISION OR LAND DEVELOPMENT ("SINGLE PLAN") PROCEDURE**

**303.1** *Minor subdivision or land development* plans shall contain the information set forth in Section 402 and shall in all respects be in compliance with the applicable provisions of this Ordinance.

- (a) *Minor subdivisions* may be submitted on 8.5 x 11 inch or 8.5 x 14 inch paper, to be recorded as an attachment to any deed based thereon, if all required information can be included.
- (b) Sewage modules may or may not be required, depending upon the proposed use of the land.

**303.2 Plan**

**A. Submission of Minor Subdivision or Land Development Plans**

(1) A *minor subdivision or land development plan* and all required attachments is to be submitted in final form. All matters listed in Section 402 hereof are to be included, or their absence explained, with a request for a Modification pursuant to Section 106 hereof, if necessary. This single plan procedure can save time, but only if it is done right the first time. An owner or developer who is unsure of the requirements is encouraged to submit a *sketch plan* first, as set forth above.

(2) The plan and all attachments shall be accompanied by the inspection and review fees as set forth herein.

(3) The subdivider or developer shall submit three (3) prints and all plan submissions and plan revisions shall include a digital file of the drawings. All drawings shall show North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) coordinates in feet and the digital file shall be in North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) Coordinates in feet as applicable. All digital files shall reside on a PC compatible CD-ROM or USB drive containing the digital representation of the plan as presented. The digital map shall be AutoCAD compatible.

(4) Upon receipt of the *minor subdivision or land development plan*, the Township Secretary shall forward one (1) copy of the plan and one (1) copy of all other material to the Fayette County Planning Commission, one (1) copy of each to the Township Engineer, one (1) copy of the plan to the Pennsylvania Department of Transportation (if the plan adjoins or has proposed streets accessing an existing or proposed State highway), and copies to any other agencies as may be appropriate for review and comment; and the original plan and all remaining copies to the Township Planning Commission.

**B. Township Engineer Review**

All *minor subdivision or land development* plans shall be reviewed by the Township Engineer, which review shall precede the review of such plans by the Township Planning Commission.

**C. Review of Minor Subdivision or Land Development Plans**

(1) The Township Planning Commission will review the plan and requisite materials for conformance with the requirements of this Ordinance.

(2) In making its recommendation, the Township Planning Commission shall consider the recommendations of the Township Engineer, the Fayette County Planning Commission, and the recommendations of any agency or agencies from which a review was requested.

(3) The Planning Commission shall act on the *minor subdivision or land development plan* within sixty (60) days of the official filing date.

(4) The Planning Commission shall recommend whether the *minor subdivision or land development plan* shall be approved or disapproved, and shall notify the Supervisors in writing thereof, including, if disapproval is recommended, a statement of reasons for such recommendation, and further including a description of the requirements which have not been met, and a citation to the specific provisions involved.

**D. Approval of Minor Subdivision or Land Development Plans**

- (1) The Supervisors shall take action within ninety (90) calendar days from the official filing date of the *minor subdivision or land development plan*. Failure to do so shall be deemed an approval.
- (2) The Supervisors shall notify the applicant in writing of their decision to approve or disapprove, the *minor subdivision or land development plan*. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the *minor subdivision or land development plan* is disapproved, the Supervisors shall specify the defects found in the plan and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.

**E. Resubmission of Minor Subdivision or Land Development Plans**

A revised plan submitted after disapproval shall be considered and processed as a new plan submission.

**F. Recording of Minor Subdivision or Land Development Plans**

- (1) Except as set forth below, upon approval of the *minor subdivision or land development plan*, the subdivider or developer shall prepare no less than four (4) signed and notarized prints thereof which shall be submitted to the Township not later than thirty (30) days after approval. These plans will be signed by the Supervisors. A copy of the signed *minor subdivision or land development plan* shall be recorded in the office of the Fayette County Recorder of Deeds within ninety (90) days after approval of the *plan* or the approval of the Supervisors shall be null and void. The *final plan* must be recorded before proceeding with the sale of lots or construction of buildings.
- (2) Where a *minor land development plan* proposes a single building on a *lot* which is part of a previously recorded plan, recording of the plan shall *not* be required if the lot number, the plan name, and the plan book volume and page reference are shown.
- (3) Recording of the *minor subdivision or land development plan* shall normally be an irrevocable offer to dedicate all streets, all park reservations and all open space areas to public use unless reserved by the subdivider as set forth below. The approval of the *minor subdivision or land development plan* shall not impose any duty upon the Supervisors or Township concerning acceptance of such offer of dedication.
- (4) The subdivider shall place a notation on the *minor subdivision or land development plan* if there is no offer of dedication to the public of all streets, all park reservations and all open space areas.

## **304 MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCEDURE**

### **304.1 Sketch Plan**

Prospective subdividers and developers are urged to discuss possible development sites with the Planning Commission prior to submission of a *preliminary plan*. A sketch plan should be presented for review not less than ten (10) days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a *subdivision* or *land development plan* with the Supervisors.

### **304.2 Preliminary Plan**

#### **A. Submission of Preliminary Plans**

- (1)** The *preliminary plan* shall contain the information set forth in Section 403 and shall in all respects be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the subdivider or developer to coordinate his plans with the respective private and public service agencies.
- (2)** The subdivider or developer shall submit three (3) prints and all plan submissions and plan revisions shall include a digital file of the drawings. All drawings shall show North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) coordinates in feet and the digital file shall be in North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) Coordinates in feet as applicable. All digital files shall reside on a PC compatible CD-ROM or USB drive containing the digital representation of the plan as presented. The digital map shall be AutoCAD compatible.
- (3)** The Township Secretary shall forward one (1) copy of the *preliminary plan* prints and one (1) copy of the required material to the Fayette County Planning Commission, one (1) copy of each to the Township Engineer, and copies to such other agencies as may be appropriate for review and comment. In cases where the *subdivision* or *land development* adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the Secretary shall submit one (1) copy of the plan to the Pennsylvania Department of Transportation for review.
- (4)** The Township Secretary shall forward the remaining copies of the *preliminary plan* prints and required materials to the Township Planning Commission.
- (5)** When applicable, the application form shall be accompanied by a *Planning Module for Land Development*, as required by the Pennsylvania Department of Environmental Protection.

**B. Township Engineer Review**

All plans shall be reviewed by the Township Engineer, which review shall precede transmission of such plans to the Planning Commission.

**C. Review of Preliminary Plans by Township Planning Commission**

- (1) The Township Planning Commission will consider the plan to determine if it meets the standards set forth in this Ordinance and the Wharton Township Zoning Ordinance.
- (2) In making its recommendation, the Township Planning Commission shall consider the recommendations of the Township Engineer, the Fayette County Planning Commission, interested residents, and the recommendations of any other agency or agencies from which a review was requested.
- (3) The Township Planning Commission shall act on the *preliminary plan* within sixty (60) days of the official filing date, but in any event shall act on the plan in time for the Supervisors to render their decision within ninety (90) days from the official filing date.
- (4) The Township Planning Commission shall recommend whether the *preliminary plan* shall be approved or disapproved, and shall notify the Supervisors in writing thereof, including, if disapproval is recommended, a statement of reasons for such recommendation, and further including a description of the requirements which have not been met, and a citation to the specific provisions involved.

**D. Approval of Preliminary Plans**

- (1) The Supervisors shall act on the *preliminary plan* within ninety (90) days of the official filing date. Failure to do so shall be deemed an approval.
- (2) The Supervisors shall notify the applicant of their decision to approve or disapprove the *preliminary plan* in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is disapproved, the Supervisors shall specify in their notice the defects found in the plan, and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.
- (3) In the event that any *modification* of the requirements of this Ordinance (pursuant to Section 106 hereof) is requested by the applicant and is found to be necessary and appropriate, the *modification* and the reasons for its necessity shall be entered into the permanent public records of the Township.
- (4) Approval of the *preliminary plan* shall constitute approval of the *subdivision* or *land development* as to the character and intensity of the development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider or developer to the general scheme of the *subdivision* shown, unless a revised *preliminary plan* is submitted, and permits the subdivider to proceed with final detailed design of *improvements*, to arrange for a bond to cover installation of the *improvements*, and to prepare the *final plan*. Approval of the *preliminary plan* does not authorize the sale of lots nor the recording of the *preliminary plan*.

**E. Resubmission of Preliminary Plans**

A revised plan submitted after disapproval shall be considered and processed as a new plan submission with a new official filing date.

### 304.3 Final Plan

#### A. Submission of Final Plans

- (1) After the subdivider or developer has received official notification from the Supervisors that the *preliminary plan* has been approved, he must submit a *final plan*. The *final plan* shall contain the information set forth in Section 404, and shall in all respects be in compliance with the applicable provisions of this Ordinance.
- (2) The *final plan* shall conform in all respects with the approved *preliminary plan*. If it does not, the plan submitted shall be considered as a revised *preliminary plan* and shall be forwarded by the Township Secretary for review and recommendation as with any other *preliminary plan*.
- (3) The subdivider or developer must either complete all required *improvements*, or submit with the *final plan* an *improvements bond* for the installation of required *improvements* which meets the requirements of this Ordinance.
- (4) The application form shall be accompanied by the inspection and review fees as set forth herein.
- (5) Documented approval of the *Planning Module for Land Development* by the Pennsylvania Department of Environmental Protection shall be a part of the materials accompanying the *final plan* submission, unless found to be unnecessary by the Supervisors.
- (6) The subdivider or developer shall submit three (3) prints and all plan submissions and plan revisions shall include a digital file of the drawings. All drawings shall show North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) coordinates in feet and the digital file shall be in North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) Coordinates in feet as applicable. All digital files shall reside on a PC compatible CD-ROM or USB drive containing the digital representation of the plan as presented. The digital map shall be AutoCAD compatible.
- (7) Upon receipt of the *final plan*, the Township Secretary shall forward one (1) copy of the plan and one (1) copy of all other material to the Fayette County Planning Commission, one (1) copy of each to the Township Engineer, one (1) copy of the plan to the Pennsylvania Department of Transportation (if the plan adjoins or has proposed streets accessing an existing or proposed State highway), and copies to any other agencies as may be appropriate for review and comment; and the original plan and all remaining copies to the Township Planning Commission.

#### B. Township Engineer Review

All plans shall be reviewed by the Township Engineer, which shall precede the review of such plans by the Planning Commission.

#### C. Review of Final Plans

- (1) The Planning Commission will review the plan and requisite materials for compliance with the approved *preliminary plan* and for conformance to the requirements of this Ordinance.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations of the Township Engineer, the Fayette County Planning Commission, and the recommendations of any agency or agencies from which a review was requested.
- (3) The Planning Commission shall act on the *final plan* within sixty (60) days of the official

filing date.

- (4) The Planning Commission shall recommend whether the *final plan* shall be approved or disapproved, and shall notify the Supervisors in writing thereof, including, if disapproved, a statement of reasons for such recommendation, and further including a description of the requirements which have not been met, and a citation to the specific provisions involved.

**D. Approval of Final Plans**

- (1) The Supervisors will not take official action to approve a *final plan* unless all required *improvements* are complete or it is accompanied by a bond for the installation of *improvements* which meets the requirements of this Ordinance.
- (2) The Supervisors shall take action within ninety (90) calendar days from the official filing date of the *final plan*. Failure to do so shall be deemed an approval.
- (3) The Supervisors shall notify the applicant in writing of their decision to approve, approve with conditions acceptable to the developer and accepted by him in writing, or disapprove, the *final plan*. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the *final plan* is disapproved, the Supervisors shall specify the defects found in the plan and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.
- (4) The *final plan* shall be marked to indicate that access to the State or Township highways shall be only as authorized by a highway occupancy permit.

**E. Resubmission of Final Plans**

A revised plan submitted after disapproval shall be considered and processed as a new plan submission with a new official filing date.

**F. Recording of Final Plans**

- (1) Except as set forth below, upon approval of the *final plan*, the subdivider or developer shall prepare no less than four (4) signed and notarized prints thereof which shall be submitted to the Township not later than thirty (30) days after approval. These plans will be signed by the Supervisors. A copy of the signed *final plan* shall be recorded in the office of the Fayette County Recorder of Deeds within ninety (90) days after approval of the *final plan* or the approval of the Supervisors shall be null and void. The *final plan* must be recorded before proceeding with the sale of lots or construction of buildings.
- (2) Where a *single lot land development plan* proposes a single building on a lot which is part of a previously recorded plan, recording of the plan shall *not* be required if the lot number, the plan name, and the plan book volume and page reference are shown.
- (3) Recording of the *final plan* shall be an irrevocable offer to dedicate all streets, all park reservations and all open space areas to public use unless reserved by the subdivider as set forth below. The approval of the *final plan* shall not impose any duty upon the Supervisors or Township concerning acceptance of such offer of dedication or completion of or maintenance of *improvements*.
- (4) The subdivider shall place a notation on the *final plan* if there is no offer of dedication to the public of all streets, all park reservations and all open space areas.

**305 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL**

- 305.1** No *final plan* shall be approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, and other *improvements* as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any *improvements* required as a condition for the final approval of a plan, including *improvements* or fees otherwise required by Ordinance, the developer may deposit with Wharton Township financial security in the amount set forth herein.
- 305.2** When requested by the developer, in order to facilitate financing, the Wharton Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the *final plan* contingent upon the developer obtaining a satisfactory financial security. The *final plan* or record plan shall not be signed nor recorded until the financial *improvements* agreement is executed. The resolution or letter of contingent agreement shall expire after ninety (90) days unless a written extension is granted by the Wharton Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- 305.3** Without limitation as to other types of financial security which Wharton Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restricted or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
- 305.4** Such financial security shall be posted in cash, or with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- 305.5** Such bond or other security shall provide for, and secure to the public, the completion of any *improvements* which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the *improvements*.
- 305.6** The amount of financial security to be posted for the completion of the required *improvements* shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Wharton Township may adjust the amount of the financial security by comparing the actual cost of the *improvements* which have been completed and the estimated cost for the completion of the remaining *improvements* as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Wharton Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

- 305.7** The amount of financial security required shall be based upon an estimate of the cost of completion of the required *improvements*, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. Wharton Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and Wharton Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer certified as such in this Commonwealth and chosen mutually by Wharton Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, the fees for the services of said engineer shall be paid equally by Wharton Township and the applicant or developer.
- 305.8** If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required *improvements*, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required *improvements* as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.
- 305.9** In the case where development is projected over a period of years, the Wharton Township Supervisors may authorize submission of *final plans* by sections or stages of development subject to such requirements or guarantees as to improvement in future sections or stages of development as they find essential for the protection of any finally approved section of the development.
- 305.10** As the work of installing the required *improvements* proceeds, the party posting the financial security may request the Wharton Township Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Wharton Township Supervisors, and the Wharton Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Wharton Township Supervisors, that such portion of the work upon the *improvements* has or has not been completed in accordance with the approved plan. Upon certification of completion, the Wharton Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the *improvements* completed, or, if the Township Engineer fails to act within said forty-five (45) day period, the Wharton Township Supervisors shall be deemed to have approved the release of funds as requested. The Wharton Township Supervisors may, until final release at the time all required improvements are completed and certified by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid *improvements*.

- 305.11** Where the Wharton Township Supervisors accept the dedication of improvements, they may require the posting of financial security to secure the structural integrity of such *improvements* as well as the functioning of said *improvements* in accordance with the design and specifications as depicted on the *final plan* for a term not to exceed eighteen (18) months from the date of completion. Said financial security shall be of the same type as otherwise required in this Ordinance with regard to installation of such *improvements*, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said *improvements*.
- 305.12** If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from Wharton Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
- 305.13** If financial security has been provided in lieu of the completion of *improvements* required as a condition for the final approval of a plan as set forth in this Section, Wharton Township shall not condition the issuance of building, grading, or other permits relating to the erection or placement of *improvements*, including buildings, upon the lots or land as depicted on the *final plan* upon actual completion of the *improvements* depicted upon the approved *final plan*. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from 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* which are necessary for the reasonable use of or occupancy of the building or buildings.

306 **RELEASE FROM IMPROVEMENT BOND**

- 306.1** When the developer has completed all of the necessary and appropriate *improvements*, the developer shall notify the Wharton Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid *improvements* and shall send a copy thereof to the Township Engineer. The Wharton Township Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid *improvements*. The Township Engineer shall, thereupon, file a report in writing, with the Wharton Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Wharton Township Supervisors; said report shall be detailed and shall indicate approval or rejection of said *improvements*, either in whole or in part, and if said *improvements*, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- 306.2** The Wharton Township Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of said Wharton Township Supervisors with relation thereto.
- 306.3** If the Wharton Township Supervisors or the Township Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- 306.4** If any portion of the said *improvements* shall not be approved or shall be rejected by the Wharton Township Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- 306.5** The applicant or developer shall reimburse Wharton Township for the reasonable and necessary expense incurred for the inspection of *improvements* according to a schedule of fees adopted by resolution of the Wharton Township Supervisors and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to Wharton Township when fees are not reimbursed or otherwise imposed on applicants.

- A. In the event the applicant disputes the amount of any such expense in connection with the inspection of *improvements*, the applicant shall, within ten (10) working days of the date of billing, notify Wharton Township that such expenses are disputed as unreasonable or unnecessary, in which case, Wharton Township shall not delay or disapprove a *subdivision* or *land development* application or any approval or permit related to development due to the applicant's dispute over inspection fees.
- B. If, within twenty (20) days from the date of billing, Wharton Township and the applicant cannot agree on the amount of expenses which is reasonable and necessary, then the applicant and Wharton Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that Wharton Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Fayette County (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 Wharton Township Engineer nor any professional engineer who has been retained by, or performed services for, Wharton Township or the applicant within the preceding five (5) years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, Wharton Township shall pay the fee of the professional engineer, but otherwise, Wharton Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

307 **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 accord with the approved *final plan*, the Wharton Township Supervisors are hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the *improvements* covered by said security, the Wharton Township Supervisors may, at their option, install part of such *improvements* in all or part of the *subdivision* or *land development* and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the *improvements*. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer or both, shall be used solely for the installation of the *improvements* covered by such security, and not for any other purpose.

## ARTICLE IV - PLAN REQUIREMENTS

### 401 SKETCH PLAN

- 401.1** A sketch plan may be submitted by the subdivider or developer as a basis for informal and confidential discussion with the Township Supervisors and the Township Planning Commission.
- 401.2** Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness, it is suggested that a *subdivision* sketch plan should include at least the following information:
- A.** Tract boundaries.
  - B.** Zoning district in which the *subdivision* is located
  - C.** North Point.
  - D.** Streets on and adjacent to the tract.
  - E.** Significant topographical and physical features.
  - F.** Proposed general street layout.
  - G.** Proposed general lot layout.
- 401.3** A *subdivision* sketch plan need not be to exact scale nor are precise dimensions required.

### 402 MINOR SUBDIVISION OR LAND DEVELOPMENT PLAN CONTENTS

- 402.1** The *minor subdivision or land development plan* submitted for final approval shall be a clear and legible drawing.
- 402.2** Minor subdivision, subdivision and land development plans, whether preliminary or final, shall be on sheets that conform to the dimensions of the standard County Plat Book (currently not larger than thirty-six inches (36") by forty-eight inches (48") overall. Where necessary to avoid sheets larger than the maximum size prescribed above, plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the sections.
- 402.3** The *minor subdivision or land development plan* shall be prepared in accordance with the *Engineer, Land Surveyor and Geologist Registration Law* (Act of May 23, 1945, P.L. 913, No. 367) except that this requirement shall not preclude the preparation of a plan in accordance with the *Landscape Architects' Registration Law* (Act of January 24, 1966, P.L.1527, No. 535) when it is appropriate to prepare the plan using professional services as set forth in the definition of the "Practice of Landscape Architecture" under Section 2 of that Act, shall be at a scale of either fifty (50) or one hundred (100) feet to the inch (or such other scale as may be approved by the Township Engineer) and shall include or be accompanied by the following information (or a note that the specific item is not applicable):

- A. *Subdivision or land development* name or identifying title.
- B. Zoning District in which located.
- C. North point, date and scale, stated and graphic.
- D. Name of the record owner(s), and deed book and page reference.
- E. Name and seal of the registered professional responsible for the plan.
- F. Lot numbers and tract boundaries with bearing and distances for each lot, including the residual acreage (2-acres or less). Residuals larger than 2-acres must show metes and bounds, which can be taken from the deed description provided the surveyor preparing the plan is satisfied with the closure of the description. The total number of lots must be shown and shall include all existing and/ or proposed lots from the mother tract as it existed on May 15, 1972. The residual acreage is to be considered as a lot (PA Code 25, Chapter 71.55)
- G. Building Setback lines and the proposed placement of any building.
- H. Location, width and purpose of all rights-of-way and easements.
- I. All dimensions shall be shown in feet and hundredths of a *foot*.
- J. Names of streets within and adjacent to the *subdivision or land development* shall be shown.
- K. Names of the owners of any adjoining property shall be shown.
- L. Approval blocks for the signatures of the Township Planning Commission and the Supervisors and Township Secretary with dates of approval.
- M. A letter from the subdivider specifically requesting any modifications of this Ordinance and citing the reasons for same in accordance with Section 106 hereof.
- N. A location map clearly showing the location of the site.
- O. A statement indicating no additional development will be permitted without further approval (for lot line changes, survey corrections and replots).
- P. Purpose (if otherwise unclear).
- Q. Highway occupancy permits from PennDOT or the Township should be obtained before the plan is submitted, and should be noted on the plan. Where the plan adjoins a State or Township highway, the plan shall contain a notice that **"a highway occupancy permit is required pursuant to the State *Highway Law* before access to a State or Township highway is permitted, and access shall only be as authorized by the Permit."** (See Section 508(6) of the Municipalities Planning Code).
- R. A copy of the approved sewage module in accordance with the Pennsylvania Sewage Facilities Act unless found to be unnecessary. Where no sewage approvals are obtained, or only limited approvals, a notice indicating the relevant limitations on land use and required future approvals shall be prominently displayed on the plan in language approved by the Department of Environmental Protection.
- S. All deed restrictions or agreements relating to common responsibilities, specifically including any throughfare(s) Maintenance Agreements required by Section 503.10.B. hereof.
- T. Location of all existing and proposed dwelling and structures connected to sewage systems.

**402.4 Additional Requirements for Minor Land Development Plans**

In addition to the above requirements, the following information shall be included in an application for approval of a *minor land development plan* involving building construction:

- A. proposed use, location, area, height and bulk of all existing and proposed structures, including fences, walls and signs;
- B. a notation regarding removal of any existing structures;
- C. location and dimensions of yards;
- D. traffic circulation on the site, ingress and egress to and from the site, the layout of parking and loading areas and a computation of the number of parking spaces to be provided;
- E. landscaping plan showing the location, sizes and types of plant materials, if required to be specified; and
- F. location, size and specifications for driveways, sidewalks, curbs, parking areas, landscaping strips, wheel stops and other similar private *improvements*.

## **403 PRELIMINARY PLAN CONTENTS**

- 403.1** The *preliminary subdivision or land development plan* submitted for preliminary approval shall be a clear and legible drawing.
- 403.2** Minor subdivision, subdivision and land development plans, whether preliminary or final, shall be on sheets that conform to the dimensions of the standard County Plat Book (currently not larger than thirty-six inches (36") by forty-eight inches (48") overall. Where necessary to avoid sheets larger than the maximum size prescribed above, plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the sections.
- 403.3** The *preliminary plan* shall be prepared in accordance with the *Engineer, Land Surveyor and Geologist Registration Law* (Act of May 23, 1945, P.L 913, No. 367) except that this requirement shall not preclude the preparation of a plan in accordance with the *Landscape Architects' Registration Law* (Act of January 24, 1966, P.L 1527, No. 535) when it is appropriate to prepare the plan using professional services as set forth in the definition of the "Practice of Landscape Architecture" under Section 2 of that Act, shall be at a scale of either fifty (50) or one hundred (100) feet to the inch (or such other scale as may be approved by the Township Engineer) and shall include or be accompanied by the following information (or a note that the specific item is not applicable):
- A.** Proposed *subdivision or land development* name or identifying title.
  - B.** Zoning District in which located.
  - C.** North point, date and scale, stated and graphic.
  - D.** Name of the record owner and subdivider, and deed book and page reference.
  - E.** Name and seal of the registered professional responsible for the plan.
  - F.** Lot numbers, and tract boundaries with bearing and distances for each lot including the residual acreage (2- acres less). Residuals larger than 2-acres must show metes and bounds, which can be taken from the deed description provided the surveyor preparing the plan is satisfied with the closure of the description. The total number of lots must be shown and shall include all existing and/or proposed lots from the mother tract as it existed on May 15, 1972. The residual tract is to be considered as a lot (PA Code 25, Chapter 71.55).
  - G.** Contours at vertical intervals of five feet (5'), or, in the case of relatively level tracts, at such intervals as may be necessary for the satisfactory study and planning of the tract. This may be waived at the discretion of the Board of Supervisors.
  - H.** Datum to which contour elevations refer. Where reasonably practicable, datum shall refer to known established elevations.
  - I.** All existing watercourses, tree masses, and other significant natural features.
  - J.** All existing buildings, sewers, water mains, culverts, petroleum or petroleum products lines, fire hydrants, and other significant man-made facilities.
  - K.** All existing streets on or adjacent to the tract, including name, right-of-way width, and cartway, and all parking areas.
  - L.** All existing property lines, easements, and rights-of-way, and the purpose for which each easement or right-of-way has been established.
  - M.** Locations and widths of all proposed streets (street names to be approved by Fayette EMA before submission), alleys, rights-of-way, and easements; proposed lot lines with dimensions and areas of all lots; proposed minimum setback lines for each street; playgrounds, public buildings,

public areas, and parcels of land proposed to be dedicated or reserved for public use.

- N. The names of the owners of all abutting unplotted land and the names of all abutting *subdivisions*.
- O. A location map showing the proposed development and adjoining areas; all zoning boundaries, if any, that transverse or are within three hundred feet (300') of the area covered by the plan.
- P. Where the *preliminary plan* covers only part of the subdivider's entire holding, a non-binding sketch plan may be required to be submitted showing the prospective street layout for the remainder.
- Q. When required, a proposed soil erosion and sedimentation plan, which may be a separate plan, shall be submitted.
- R. A tract map showing the *subdivision* boundaries.
- S. Flood plain information, if any.
- T. An approval block providing for the signatures of the Township Planning Commission and Supervisors and Township Secretary with the dates of approval.
- U. A letter from the subdivider specifically requesting any modifications of this Ordinance and citing the reasons for same in accordance with Section 106 hereof.
- V. The subdivider may be required to submit a Sewer and Water Feasibility Report concerning the availability of sewer and water facilities in or near the proposed *subdivision*, which, shall contain the information required by Sections 512.1 and 513.1 of this Ordinance. Said report shall be prepared by a registered professional engineer.
- W. Any proposed deed restrictions or agreements relating to common responsibilities, specifically including any thoroughfare(s) Maintenance Agreements required by Section 503.10 B hereof.
- X. A list of all proposed *improvements* together with specifications and cost estimates certified by a professional engineer.

#### **403.4 Additional Requirements for Preliminary Land Development Plans**

In addition to the above requirements, the following information shall be included in an application for preliminary approval of a *land development plan* involving building construction:

- A. proposed use, location, area, height and bulk of all existing and proposed structures, including fences, walls and signs;
- B. a notation regarding removal of any existing structures;
- C. location and dimensions of yards;
- D. traffic circulation on the site, ingress and egress to and from the site, the layout of parking and loading areas and a computation of the number of parking spaces to be provided;
- E. landscaping plan showing the location, sizes and types of plant materials, if required to be specified; and
- F. location, size and specifications for driveways, sidewalks, curbs, parking areas, landscaping strips, wheel stops and other similar private *improvements*.

## 404 FINAL PLAN CONTENTS

- 404.1** The *subdivision* or *land development plan* submitted for final approval shall be a clear and legible drawing.
- 404.2** Minor subdivision, subdivision and land development plans, whether preliminary or final, shall be on sheets that conform to the dimensions of the standard County Plat Book (currently not larger than thirty-six inches (36") by forty-eight inches (48") overall. Where necessary to avoid sheets larger than the maximum size prescribed above, plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the sections.
- 404.3** The *final plan* shall be prepared in accordance with the *Engineer, Land Surveyor and Geologist Registration Law* (Act of May 23, 1945, P.L. 913, No. 367) except that this requirement shall not preclude the preparation of a plan in accordance with the *Landscape Architects' Registration Law* (Act of January 24, 1966, P.L. 1527, No. 535) when it is appropriate to prepare the plan using professional services as set forth in the definition of the "Practice of Landscape Architecture" under Section 2 of that Act, shall be at a scale of either fifty (50) or one hundred (100) feet to the inch (or such other scale as may be approved by the Township Engineer) and shall include or be accompanied by the following information (or a note that the specific item is not applicable):
- A.** *Subdivision* or *land development* name or identifying title.
  - B.** Zoning District in which located.
  - C.** North point, date and scale, stated and graphic.
  - D.** Name of the record owner and subdivider, and deed book and page reference.
  - E.** Name and seal of the registered professional responsible for the plan.
  - F.** Lot numbers and tract boundaries with bearing and distances for each lot, including the residual acreage (2-acres or less). Residuals larger than 2-acres must show metes and bounds, which can be taken from the deed description provided the surveyor preparing the plan is satisfied with the closure of the description. The total number of lots must be shown and shall include all existing and/ or proposed lots from the mother tract as it existed on May 15, 1972. The residual acreage is to be considered as a lot (PA Code 25, Chapter 71.55
  - G.** Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
  - H.** Sufficient data to determine readily the location, bearing, and length of every street and lot boundary line, and to produce such lines upon the ground.
  - I.** The length of all straight lines, radii, lengths of curves, and tangent bearings for each street.
  - J.** All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
  - K.** Building setback lines and the proposed placement of any building.
  - L.** Location, width and purpose of all rights-of-way and easements.
  - M.** Location, size, and invert elevation of all proposed sanitary, storm, and combined sewers, and location of all proposed manholes, inlets, and culverts.

- N. All dimensions shall be shown in feet and hundredths of a foot.
- O. Lots within a *subdivision* shall be numbered, including the residual acreage, even when it is functionally the equivalent of a *lot*.
- P. Typical cross-section of all proposed streets.
- Q. Names of streets within and adjacent to the *subdivision* shall be shown.
- R. Names of any adjoining *subdivision* shall be shown.
- S. Names of the owners of any adjoining unplotted land shall be shown.
- T. An approval block providing for the signatures of the Township Planning Commission and the Supervisors and Township Secretary with the dates of approval.
- U. A letter from the subdivider specifically requesting any modifications of this Ordinance and citing the reasons for same in accordance with Section 106 hereof.
- V. An appropriate statement signed by the owner indicating his intention either: (a) to dedicate to public use all streets, roads, easements and rights-of-way; or (b) to reserve as private any streets, roads, easements or rights-of-way. Where a plan adjoins a State or Township highway, the final plan shall contain a notice that **"a highway occupancy permit is required pursuant to the State Highway Law before access to a State or Township highway is permitted, and access shall only be as authorized by the permit."** Highway occupancy permits for streets or other accessways shown on the plan must be obtained before final plan submission and shall be noted on the final plan. (See Section 508(6) of the Municipalities Planning Code.)
- W. Affidavit that the applicant is the owner of or equitable owner of the land proposed to be subdivided.
- X. A copy of the approved sewage module in accordance with the Pennsylvania Sewage Facilities Act unless found to be unnecessary. Where no sewage approvals are obtained, or only limited approvals, a notice indicating the relevant limitations on land use and required future approvals shall be prominently displayed on the plan in language approved by the Department of Environmental Protection.
- Y. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the *subdivision* or development, applicants shall present evidence to the Supervisors that the *subdivision* is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission, of 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.
- Z. A certificate by the developer's engineer that any required *improvements* which have been installed, have been installed in accordance with the procedures, specifications, and standards of the Township, the County, the State, or utility company.
- AA. All deed restrictions or agreements relating to common responsibilities, specifically including any thoroughfare(s) Maintenance Agreements required by Section 503.10.B. hereof.

#### **404.4 Additional Requirements for Land Development Plans**

In addition to the above requirements, the following information shall be included in an application for preliminary approval of a *land development plan* involving building construction:

- A.** proposed use, location, area, height and bulk of all existing and proposed structures, including fences, walls and signs;
- B.** a notation regarding removal of any existing structures;
- C.** location and dimensions of yards;
- D.** traffic circulation on the site, ingress and egress to and from the site, the layout of parking and loading areas and a computation of the number of parking spaces to be provided;
- E.** landscaping plan showing the location, sizes and types of plant materials, if required to be specified; and
- F.** location, size and specifications for driveways, sidewalks, curbs, parking areas, landscaping strips, wheel stops and other similar private *improvements*.

## ARTICLE V - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

### 501 DESIGN STANDARDS

The following principles, standards, and requirements shall be applied by the Board of Supervisors of the Township in evaluating plans for proposed *subdivisions*. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, and general welfare, unless waived pursuant to the provisions of Section 106 of this Ordinance.

### 502 LAND REQUIREMENTS

#### 502.1 Zoning

Proposed land use shall conform to the Township Zoning Ordinance provisions.

#### 502.2 Hazards

Land subject to hazards to life, health, or property shall not be subdivided or otherwise developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the *subdivision* or *land development plan*. Conditions rendering land hazardous include flooding; land which, if developed, will create or aggravate a flooding condition on other land; subsidence; underground fires; slopes greater than 12%; and ground pollution or contamination.

#### 502.3 Neighborhood Coordination

Proposed *subdivisions* shall be coordinated with existing neighborhoods, so that the community, as a whole, may develop harmoniously.

### 503 STREET SYSTEM

#### 503.1 Township Plans

Proposed streets shall be properly related to such street plans, or parts thereof, as have been officially prepared, and adopted by the Township including the Comprehensive Plan (as amended).

#### 503.2 Other Plans

Proposed streets shall further conform to such County, State and Federal road and highway plans as have been prepared, adopted, and/or filed as prescribed by law.

#### 503.3 Topography

Streets shall be logically related to the topography so as to produce usable lots and acceptable grades.

#### 503.4 Residential Service

Residential service streets shall be so laid out as to discourage through traffic, but provision for street connection into and from adjacent streets will generally be required. Such street systems shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.

**503.5 Marginal Access Streets**

Where a *subdivision* abuts or contains an existing or proposed feeder, connector, or arterial street, the Supervisors may require marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.

**503.6 New Partial Street**

New half or partial streets shall not be permitted, except where essential or reasonable *subdivision* of a tract in conformance with the other requirements and standards of this Ordinance is impossible, and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

**503.7 Existing Partial Street**

Wherever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be plotted within such tract.

**503.8 Dead-end Streets**

Dead-end streets shall be prohibited except when designed as a temporary or permanent cul-de-sac.

**503.9 New Reserve Strips**

New reserve strips, including those controlling access to streets, shall not be approved.

**503.10 Street and Driveway Standards**

- A. Streets proposed to be dedicated shall be constructed to standards specified by the Township Board of Supervisors. No new street will be required to be constructed to a standard higher than the standard of the existing principal public street providing access thereto.
- B. Private streets/ roads/ driveways, hereinafter "thoroughfare(s)", serving more than one lot shall be passable and mud-free as per the Municipalities Planning Code." Any subdivider or developer submitting a plan containing a private thoroughfare(s) shall submit, as a part of the required plan, Maintenance Agreement signed by all owners of record and any / all property(ies) abutting/ touching/ along said thoroughfare(s) specifically stating:
  - 1. Who, and what proportion(s) / percentage(s), will be responsible for maintenance of the entire length / width of the thoroughfare. Maintenance shall include, but not be limited to, the repair/ replacement of utility lines and the roadbed material; repair of storm damage; removal of debris, snow and ice; and the installation, repair, and replacement of any storm water ditches or cross pipes.
  - 2. A statement that the subdivider / developer understands and agrees that Wharton Township has no intention(s) of accepting dedication of, or ever assuming current or future maintenance responsibility for, the thoroughfare(s), and agrees to indemnify and hold Wharton Township harmless for any claims, demands liability, damages, costs and / or expenses of any kind relative to the use / maintenance of the said thoroughfare(s).
- C. Plans containing a private street (or driveway serving more than one *lot*) shall have the following legend prominently endorsed thereon in at least 14 point **bold** print: "**This plan contains one or more private streets or driveways. These private streets or driveways may or may not be paved or otherwise improved. All maintenance (as well as all legal liability) for these private streets or driveways, including snow removal, will be the**

responsibility of, and at the expense of, the lot owners, all as set forth in the Maintenance Agreement recorded contemporaneously with this Plan in Record Book \_\_\_\_\_ at page \_\_\_\_\_."

## 504 CUL-DE-SAC STREETS

### 504.1 Length

Cul-de-sacs permanently designed as such, so far as possible, should not exceed five hundred (500) feet in length.

### 504.2 Turnaround

Cul-de-sacs shall be provided at the closed end with a surfaced turnaround having a minimum radius to the outer edge, or curb line, of fifty (50) feet, with twenty-five foot (25') radius curves connecting the edges of the street with the outer edge of the turnaround. The right-of-way radius shall be eighty (80) feet.

### 504.3 Extension

Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

## 505 STREET CLASSIFICATION AND WIDTHS

### 505.1 Street Classification

- A. **Rural service roads:** Roads located in substantially rural areas and providing direct access to abutting houses or farm properties. Since certain of these roads eventually may become a part of the Township's feeder or residential service street system, sufficient right-of-way is required for this possibility.
- B. **Residential service streets:** Streets providing direct access to abutting residential properties and ideally carrying no through traffic. These streets are ordinarily part of a *subdivision*.
- C. **Feeder Roads:** Roads designed to collect traffic from residential areas and feed it to the connector and arterial system and sometimes to connect business and other areas of the community.
- D. **Connector Highways:** Traffic through-ways which provide the principal connections among communities and to the arterial highway system.
- E. **Arterial Highways:** Major highways serving large volumes of relatively long distance traffic, and intended primarily for intercity and commuter traffic at high speeds, including both limited access expressways, and arterial highways which have access to adjacent properties and intersections at grade.
- F. **Marginal Access Streets:** Residential service streets parallel and adjacent to feeder, connector, or arterial streets, providing access to abutting properties and control of intersections with the feeder, connector, and arterial streets.
- G. **Parking Lots:** Locations that are intended primarily for stationary and/or slow moving traffic.

**505.2 Street Widths**

Minimum street widths for proposed streets and extensions or continuations are as follows:

Type	Width in Feet		
	Right-of-Way	Cartway	Stabilized Shoulder Each Side
private street or private driveway serving five or fewer lots	25*	---	---
other private street	50*	—	—
rural service road	50	22	4
residential service, or marginal access street	50	20	4
feeder road	60	36	
connector highway	60-80	40	
arterial highway	standards of PennDOT		

\*subject to Section 106 hereof, "Modifications."

**505.3 Additional Width:** Additional right-of-way and cartway widths may be required by the Board of Supervisors for the following reasons:

- (a) to promote public safety and convenience.
- (b) to provide parking space in commercial districts and in areas of high density residential development.

**505.4 Extension of Nonconforming Street**

Short extension of existing streets with lesser right-of-way and/or cartway widths than prescribed by Section 505.2 above may be permitted under the standards set forth in Section 106 hereof, "Modifications."

**505.5 Width Addition to Nonconforming Street**

Where a *subdivision* abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards may be required.

**505.6 Curbs**

Curbs may be required to be installed along both sides of all streets proposed to be dedicated. Curbs shall be concrete, of the vertical type or the rolled curb-and-gutter type. If the vertical type is utilized, the curb shall be a six (6) inch by eighteen (18) inch cement-concrete with a six (6) inch reveal. If the rolled curb and gutter type is utilized, it shall be a twelve (12) inch wide wedge. The transition from one type of curb to another shall be made only at a street intersection, and adequate provisions shall be made for driveway entrances. Curbs and gutters, if any, are to be constructed on the street right-of-way.

**505.7 Sidewalks**

Where streets are proposed to dedicated, sidewalks may be required on both sides of the street. Sidewalks shall be located within the street right-of-way one (1) foot from the right-of-way line, and shall be a minimum of six (6) feet wide. A grass planting strip may be required between the curb and sidewalk. Where rolled curb and gutter is used, a grass planting strip shall be required. Sidewalks shall be constructed as specified by the Board of Supervisors.

**506 STREET ALIGNMENT**

**506.1** Whenever street lines are deflected in excess of five degrees (5°), connection shall be made by horizontal curves.

**506.2** To insure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

- A. residential and rural service streets:** one hundred fifty feet (150');
- B. feeder and connector streets:** three hundred feet (300'); and
- C. arterial streets:** four hundred feet (400').

**506.3** Clear sight triangles of one hundred feet (100') measured along street center lines from their point of junction shall be provided at all intersections. No vegetation or other obstruction to vision taller than thirty (30) inches shall be permitted within the area delineated by said clear sight triangle.

**506.4** To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred feet (800') apart, measured from centerline to centerline.

**506.5** Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty feet (150') between their center lines.

**506.6** Minimum curb radii at street intersections shall be twenty feet (20') for intersections involving residential service streets, twenty-five feet (25') for intersections including other types of streets, or such greater radius as is suitable to the specific intersection.

**507 APPLICATION OF PENNDOT SPECIFICATIONS AND TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**507.1** All street specifications (for streets proposed to be dedicated to the Township) listed herein are subject to the provisions and the specifications and standards of the Pennsylvania Department of Transportation in force on the date of this amendment and as updated from this date forward and as follows:

- A.** Roads with a length of less than 250 feet shall be accepted by the Township only under the standards set forth in Section 106 governing modifications.
- B.** All roads to be dedicated and accepted by the Township shall have a paved cartway as listed in Sections 505.2 and 505.3. The cartway *width* shall be measured from the inside of curbs where used. At all times the Township's right-of-way shall be at least thirty-three (33') feet wide, sixteen and a half (16 ½) feet as measured from the center of the roadway.
- C.** Compliance with Subdivision Regulations. Developers of land in Wharton Township shall comply with the Subdivision and Land Development Ordinance and the Zoning Ordinance of Wharton Township.
- D.** Township Specifications. These regulations constitute the "Township Specifications" to which reference is made in the Subdivision and Land Development Ordinance and elsewhere.
- E.** All Construction and Reconstruction to be governed. These regulations shall govern all construction or reconstruction of any new or existing roads or streets in the Township. The latest edition of "Publication 408," effective on the date of township approval, shall govern all materials and procedures, unless modified by a Township Ordinance enacted by the same date of approval.

**507.2 Roadway Drainage Systems**

- A. Adequate Stormwater flow.** All roadway systems shall provide for adequate Stormwater flow. Where curbs are not used, 4-foot-graded shoulders will be required on both sides of the roadway. Swales shall be provided in cut areas as required for Stormwater flow. All shoulders and swales shall be compacted and otherwise stabilized to prevent erosion or rutting.
- B. Township Inspections.** The township or its agent shall inspect the subbase following all earthmoving operations and just prior to placing the base course material. The township shall approve the location, type and size of all cross pipe storm sewers and subgrade drains. The developer shall pay the township for all inspection costs incurred at a rate adopted and amended by resolution. The minimum pipe size, except for subgrade drains shall be 15 inches. The storm sewer system and inlets shall be designed in accordance with PennDOT Specifications effective on the date of approval.
- C. Drainage System Specifications.**
  - 1.** Subgrade drains, pipe underdrains, pipe culverts, concrete box culverts and bridges shall be placed as required by the Township.
  - 2.** All pipes shall be Class III or better, "0" ring, reinforced concrete pipe. Smooth lined corrugated Polyethylene Pipe (SL:C.P.P.) may be permitted by the Township.
  - 3.** Catch basins and manholes shall conform to crown and grades, and shall be set 1.5

inches and 0.5 inches respectively, below final grade.

4. Catch basins and manholes shall be concrete; precast or cast-in-Ace concrete shall be used for final adjustment of tops.
5. A concrete "channel" shall be placed in the bottom of catch basins to provide self-cleaning.
6. Cul-de-sacs shall be designed to keep all drainage along the curbs; no cross flows shall be allowed.
7. All pipes placed in existing or proposed Township property shall be reinforced concrete. S.L.C.P.P. may be permitted, subject to Township approval.
8. Catch basins that exceed five feet (5') in depth shall be equipped with aluminum steps.

#### **D. Scope of Permitted Construction**

1. **Modification Prohibited.** Unless specifically authorized by the Township, the developer shall not alter the existing drainage pattern or the existing flow of drainage water; or direct additional drainage of surface water toward, onto or into or in any way affect the Street Right-of-Way or Street Facilities.
2. Township approval does not authorize the developer to direct, divert, or otherwise drain surface waters over the property of any other property owner.
3. The developer is responsible for any damage caused to any private or public property as a result of construction approved under this Ordinance.
4. **Sump pumps.** Sump pumps shall not discharge to the street or in such a way as to reach a street. Sump pumps shall be discharged onto the same property, or be tied directly to a storm sewer with Township permission.

#### **507.3 Roadway Thickness: Procedures and Specifications.**

Design of all streets constructed shall be in accordance with the guidelines and requirements for Penn DOT Design of Local Roads and Streets contained in Design Manual, Part II, Highways Design, latest revision and Penn DOT Publication No. 408, 2000 Edition or the edition in effect at the time of Township approval.

The following procedures shall be followed for construction:

##### **A. Low Volume Roads-Rural Roads/Marginal Access Streets/Residential Service Streets/Feeder Roads.**

1. If at the time of construction, local, unstable subgrade conditions are encountered, the Township may require that all areas of unstable subgrade be excavated to sufficient depth, replaced with approved material, and compacted to a density and stability equal to, or greater than the surrounding subgrade. The Township may require Penn DOT Class 4 Geotextile in accordance with Section 735 of Penn DOT No. 408 Specifications, or any counterpart in effect at the time of construction, to be installed for the entire subgrade of the proposed cartway. A pavement base drain may be required by the Township.

2. Fine grade and roll subgrade: Any fill areas shall be placed in maximum of 8" thick lifts and compacted to 95% of a standard proctor or to visual non-movement when traversed by a fully loaded tandem. The entire road surface shall be proof rolled to achieve a visual non-movement upon achieving the final subgrade.
3. Any soft or yielding areas shall be cut out to a depth of at least two feet (2') and backfilled with 2A or 3A crushed stone compacted in 6" lifts. If the soil is still soft at the 2' depth, a geotextile fabric shall be placed at the bottom prior to backfilling with 2A or 3A crushed stone.
4. Place and compact minimum of six-inch (6") of Coarse (No.2 or larger) aggregate and choke with a minimum of 1" of 2A crushed stone.
5. Place and compact a minimum two and one half (2 1/2") inches of Superpave Asphalt Design, 19.0 mm, PG 64-22 binder course.
6. Place and compact a minimum two inches (2") of Superpave Asphalt Design, 9.5 mm, PG 64-22 wearing course. The skid resistance level shall be in accordance with Penn DOT Publication No. 408 and 242. Design mix shall be submitted to the Township for review and include the appropriate ESAL

**B. High Volume Roads-Arterial and Connector Streets**

1. If at time of construction, local, unstable subgrade conditions are encountered, the Township may require that all areas of unstable subgrade be excavated to sufficient depth, replaced with approved material and compacted to a density and stability equal to, or greater than the surrounding subgrade. The Township may require Penn DOT Class 4 Geotextile in accordance with Section 735 of Penn DOT No. 408 Specification, or any counterpart in effect at the time of construction, to be installed for the entire subgrade of the proposed cartway. A pavement base drain may be required by the Township.
2. Fine grade and roll subgrade: Any fill areas shall be placed in maximum of 8" thick lifts and compacted to 95% of a standard proctor or to visual non-movement when traversed by a fully loaded tandem. The entire road surface shall be proof rolled to achieve a visual non-movement upon achieving the final subgrade.
3. Any soft or yielding areas shall be cut out to a depth of at least two feet (2') and backfilled with 2A or 3A crushed stone compacted in 6" lifts. If the soil is still at the 2' depth, a geotextile fabric shall be placed in the bottom prior to backfilling with 2A or 3A crushed stone.
4. Place and compact minimum of six-inch (6") of Coarse (No.2 or larger) aggregate and choke with a minimum of 1" of 2A crushed stone.
5. Place and compact a minimum four and one half (4' 1/2") inches of Superpave Asphalt Design, 25.0 mm, PG 64-22 base course.
6. Place and compact two inches (2") of Superpave Asphalt Design, 19 mm, PG 64- 22 wearing course. The skid resistance level shall be in accordance with Penn DOT Publication No. 408 and 242. Design mix shall be submitted to the Township for review and include the appropriate ESAL.

### **C. Parking Lots**

1. If at the time of construction, local, unstable subgrade conditions are encountered, the Township may require that all areas of unstable subgrade be excavated to a sufficient depth, replaced with approved material, compacted to a density and stability equal to, or greater than the surrounding subgrade. The Township may require Penn DOT Class 4 Geotextile in accordance with Section 735 of Penn DOT No. 408 Specifications to be installed for the entire subgrade of the proposed cartway. Pavement base drains may be required by the Township.
2. Fine grade and roll subgrade: Any fill areas shall be placed in maximum of 8" thick lifts and compacted to 95% of a standard proctor or to visual non-movement when traversed by a fully loaded tandem. The entire surface shall be proof rolled to achieve a visual non-movement upon achieving the final subgrade.
3. Cut out all soft and yielding areas to a maximum depth of two feet (2') and backfill with 2A or 3A crushed stone compacted in 6" lifts. If the soil is still soft at the 2' depth, place geotextile fabric in the bottom prior to backfilling with 2A or 3A crushed stone.
4. Place and compact a minimum six inch (6") depth of 2A crushed stone.
5. Place and compact a minimum three (3") inches of Superpave Asphalt Design, 25.0 mm, PG 64-22 base course.
6. Place and compact a minimum of two inches (2") of Superpave Asphalt Design, 9.5 mm, PG 64-22 wearing course. The skid resistance level shall be in accordance with Penn DOT Publication No. 408 and 242, or their counterparts in effect at the time of construction. Design mix shall be submitted to the Township for review and include the appropriate ESA.

**D. Playground Paving.** The same procedure for paving a playground shall apply as for the parking lots stated above in subsection C.

### **507.4 General provisions.**

1. All installations shall be subject to township inspection and the developer is responsible for payment of necessary inspection fees as established and modified from time to time by township resolution.
2. All streets shall be crowned at  $\frac{1}{4}$ " per foot.
3. All thicknesses are final compacted thicknesses.
4. All thicknesses are minimums.
5. Core samples of pavement shall be taken as directed by the Township and testing performed at the expense of the developer or contractor.
6. All sections failing to meet the minimum required thickness shall be overlaid to make up the shortfall unless this would result in unacceptable loss of curb reveal, in which case the section shall be removed and rebuilt according to specifications.

### **507.5 Procedure for Submitting a Road Land Development Plan**

- A.** The developer dedicating the road shall submit a Subdivision and Land Development Plan pursuant Article II of the Wharton Township Subdivision and Land Development Plan, Ordinance No. 2 of 2002, as amended from time to time, and the Second Class Township Code generally, and in particular 53 P.S. §67317 relating to approval of plans for public roads.
- B.** The Township Engineer or any agent designated and authorized by the Wharton Township Board of Supervisors shall verify at each stage of the road construction that standards as specified under Article V and any other related section of Ordinance No. 2 of 2002 and the applicable PennDOT guidelines and regulations have been satisfied.
- C.** The Township may require the developer or landowner to deposit sufficient surety or bond equal to the costs of inspecting and constructing the proposed public road, pursuant Article III, Section 305 of the Wharton Township Subdivision and Land Development Ordinance, No. 2 of 2002, as amended from time to time and the Municipalities Planning Code generally and in particular 53 P.S. §10509, as amended from time to time or its counterpart.
- D.** If the Board of Supervisors approves the road plan, the developer shall record the plan with the Recorder of Deeds of Fayette County, in accordance with the Second Class Township Code, 53 P.S. §67317, and with Fayette County Clerk of Courts' Miscellaneous Docket.
- E.** If the Board of Supervisors refuses to approve my plans submitted to it under this section, any person aggrieved by the action of the board of supervisors may within thirty (30) days appeal to the court of common pleas. The court shall hear the matter de novo and, after hearing, may enter a decree affirming, reversing or modifying the action of the board of Supervisors.
- F.** Only road plans approved by the Board of Supervisors or the Court of Common Pleas shall be recorded with the Office of the Recorder of Deeds of Fayette County, and the Fayette County Clerk of Courts' Miscellaneous Docket.

### **507.6 Enforcement and Classification as Crime**

- A.** Any person who constructs, opens or dedicates any road or any drainage facilities in connection therewith for public use or travel in Wharton Township without having first complied with this Ordinance and any resolutions of the board of supervisors commits a misdemeanor of the third degree and is subject to a criminal suit for all costs and damages incurred by the township or property owners in the course of correcting all substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully recorded plan.
- B.** All fines and moneys so recovered shall be paid to the township treasurer.

**508 STORM DRAINAGE**

Stormwater drainage must comply with the Wharton Township Stormwater Management Ordinance, adopted November 7, 2011, as amended, A Stormwater Management Plan is required for any regulated activity (as defined in the Stormwater Management Ordinance) that is not exempt pursuant to the provisions of Section 302 of said Ordinance.

**509 BLOCKS**

**509.1** The length, width, and shape of blocks shall be determined with due regard to:

- A.** provision of adequate sites for buildings of the type proposed;
- B.** the Zoning Ordinance;
- C.** topography; and
- D.** requirements for safe and convenient vehicular and pedestrian circulation.

**509.2** Blocks should be of a maximum length of 1600 feet, and, so far as practicable, a minimum length of 800 feet; along arterial highways, blocks shall be not less than 1000 feet long.

**509.3** Residential blocks should be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are required.

**510 LOTS AND LOT SIZES**

**510.1** Lot dimensions and areas shall conform to the Wharton Township Zoning Ordinance, except in cases where additional area is required.

**510.2** Side lots should be substantially at right angles or radial to street lines.

**510.3** Residential lots should front on a street, existing or proposed.

**510.4** Lot lines should follow Township boundaries, wherever possible, in order to avoid jurisdictional problems.

**510.5** Generally, the depth of residential lots should be not less than one (1) nor more than two and one-half (2-1/2) times their width.

## 511 EROSION AND SEDIMENT CONTROL

### 511.1 Standards

- A. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time as a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Planning Commission, or there has been a determination by the Planning Commission and Board of Supervisors that such plans are not necessary. Appropriate earth moving permits from the Department of Environmental Protection shall be required.
- B. No *subdivision or land development plan* shall be approved unless there has been a plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required *improvements*; or there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary. Details of the erosion and sedimentation control plan shall be included with or attached to the *subdivision or land development plan*.
- C. Measures used to control erosion and reduce sedimentation shall at a minimum meet the standards and specifications of the County Soil and Water Conservation District.

## 511.2 Guidelines

The following measures are effective to minimize erosion and sedimentation and shall be included where applicable to the control plan:

- A.** Stripping of vegetation, regrading, or other development shall be done in such a way as will minimize erosion. For that area of land which must be cleared of trees and other vegetation to allow construction of buildings and other *improvements*, the limits of clearing shall include only:

  - 1. dedicated streets and public service or utility easements;
  - 2. building roof coverage area plus fifteen feet (15') on all sides for construction activity;
  - 3. driveways, alleyways, walkways, and ancillary structures, such as patios;
  - 4. parking lots;
  - 5. other land area reasonably necessary to construction of the proposed buildings, and other *improvements*.
- B.** Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume of surface water runoff.
- C.** Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- D.** The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E.** Disturbed soils shall be stabilized as quickly as practicable.
- F.** Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- G.** The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- H.** Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface runoff will be structurally retarded.
- I.** Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- J.** All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board of Supervisors.
- K.** All drainage provisions shall be of such design as to adequately handle the surface runoff and carry it to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape, and size as to conform with the requirements established by the Township Supervisors.
- L.** Concentration of surface water runoff shall only be permitted in swales or watercourses.
- M.** Cut and fill slopes shall not be steeper than fifty percent (50%) unless stabilized by a retaining wall or cribbing, except as approved by the Board when handled under special conditions. Minimum grades are not to be less than one and five-tenths percent (1.5%).

- N. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- O. Cut and fills shall not endanger adjoining property.
- P. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- Q. Fills shall not encroach on natural watercourses or constructed channels.
- R. Fill shall not be placed adjacent to natural watercourses or construction channels.
- S. Grading will not be done in such a way as to divert water onto the property of another landowner without the expressed consent of the Board and other landowner.
- T. During grading operations, necessary measures for dust control will be exercised.
- U. Grading and construction equipment will not be allowed to cross live streams. Provisions will be made for the installation of culverts or bridges.

### 511.3 Responsibilities

- A. Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his expense as quickly as possible.
- B. Maintenance of all drainage facilities and watercourses within any *subdivision* or *land development* is the responsibility of the developer until they are accepted by the Township or some other official agency, after which they become the responsibility of the accepting agency.
- C. It is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse, swale, flood plain, or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain, or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- D. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- E. No person, corporation, or other entity shall block, impede the flow of, alter, construct and structure, or deposit, any material or thing, or commit any act, which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Township.
- F. Where a *subdivision* is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.
- G. Each person, corporation, or other entity which makes any surface changes shall be required to:
  1. collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area;
  2. handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed drainage area;
  3. pay the total cost of off-site *improvements*, including easement cost if

applicable, to the common natural watercourse, based on a fully developed drainage area; and

4. provide and install at his expense, in accordance with Township requirements, all drainage and erosion control *improvements* (temporary and permanent).

## **512 SEWAGE DISPOSAL SYSTEM**

**512.1** The Sewer and Water Feasibility Report required by Section 402.1V of this Ordinance shall contain engineering and cost data, evaluations, and recommendations sufficient to enable the Planning Commission to evaluate the reasons for or against providing the *subdivision* with various means of sewage disposal and water supply. The requirements of this Ordinance will be met if the following material is provided in the Sewer and Water Feasibility Report:

- A.** A map of the area to be subdivided or land developed locating elements of existing community sewer and water systems, including fire hydrants, water mains, and water towers; collector, interceptor, and trunk sewers; and pumping stations.
- B.** An evaluation of costs and public interest factors in providing waste disposal and water supply by three different means:
  1. connection to an existing public sewer and/or water system;
  2. reliance upon a private community sewer and/or water system; and
  3. reliance upon on-lot sewer and/or water system.
- C.** Soil percolation tests shall be performed pursuant to Act 537 - The Pennsylvania Sewage Facilities Act, and current Rules and Regulations of the Department of Environmental Protection for each lot in *subdivisions* where buildings at the time of construction will not be connected to any active public sewage disposal system.
- D.** The results of soil percolation tests.
- E.** Recommendations stating the engineer's professional opinion as to the means of sewage disposal and water supply that will be preferable in the short and long term interest of the community in which the *subdivision* is located.
- F.** Where required, a completed sewage module ready for submission to the Department of Environmental Protection.

**512.2** Each property shall connect with an approved public sewer system, if accessible. Where the sewer is not accessible, but is planned for extension to the vicinity of the *subdivision*, the subdivider shall install the sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the *subdivision* and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site sanitary sewage disposal facilities shall also be provided. All such facilities shall be subject to requirements of Act 537 - The Pennsylvania Sewage Facilities Act, and current rules and regulations of the Department of Environmental Protection.

**512.3** Public sanitary sewers installed by the developer shall conform to the requirements of any authority having jurisdiction over sanitary sewers in the *subdivision* and Pennsylvania Department of Environmental Protection requirements in that agency's "Sewage Manual."

**512.4** Public sanitary sewers shall not be used to carry storm water and shall be guarded against infiltration.

**512.5** Where an approved public sanitary sewage system is not accessible or planned, an approved on-site sanitary sewage disposal system shall be provided, which system shall comply with the requirements of the Township, the requirements of the Pennsylvania Department of Environmental Protection Rules and Regulations, and Act 537 -The Pennsylvania Sewage Facilities Act.

**513 WATER SUPPLY**

**513.1** The Sewer and Water Feasibility Report required by Section 402.1W of this Ordinance shall contain engineering and cost data, evaluations, and recommendations sufficient to enable the Planning Commission to evaluate the reasons for or against providing the *subdivision* with various means of sewage disposal and water supply. The requirements of this Ordinance will be met if the following material is provided in the Sewer and Water Feasibility Report:

- A.** If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the *subdivision* or development, applicants shall present evidence to the Supervisors that the *subdivision* is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission, of 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. When an on-lot water supply is proposed, the location of all existing well sites shall be shown.
- B.** Data on water well feasibility, including production rates, potability, and average depths of test wells or wells on neighboring properties shall be provided. If no data are available, a note to that effect shall be provided in the plan.
- C.** Recommendations stating the engineer's professional opinion as to the means of sewage disposal and water supply that will be preferable in the short and long term interest of the community in which the *subdivision* is located.
- D.** Where required, a completed sewage module ready for submission to the Department of Environmental Protection.

**513.2** Where a public or an approved community or piped common water supply system is accessible or provided, all properties in *subdivisions* shall be connected to such system.

**514 ALLEYS, DRIVEWAYS, AND EASEMENTS**

- 514.1** Alleys are strongly discouraged in developments of single family detached residences.
- 514.2** Private driveways, where provided, shall be located not less than ninety feet (90') from the intersection corner of corner lots and shall have such grades as to furnish a safe and convenient parking space.
- 514.3** Each proposed lot in a *subdivision* shall be provided with at least the minimum number of off-street parking spaces as required in the Township Zoning Ordinance.
- 514.4** Easements with a width of ten feet (10') shall be provided as necessary for utilities.
- 514.5** To the fullest extent possible, easements shall be centered on, or adjacent to, rear or side lot lines.

**515 COMMUNITY FACILITIES**

**515.1 Land Requirements**

The Planning Commission, at its discretion, may designate portions of a *subdivision* for parks, playgrounds, or other public uses. Areas set aside for recreational or school purposes shall be reasonably compact parcels, placed to serve all parts of the *subdivision*, accessible from a public street, and not excessively irregular in terrain.

**515.2 Play Lots**

Play lots for children of preschool age shall be at least 2,000 square feet in area; playgrounds for active sports shall be not less than 1.5 acres.

**515.3 Landmarks and Open Spaces**

Wherever possible, subdividers may be required to preserve trees more than six inches in diameter at the base of the trunk, and groves and waterways, as common open space for the residents of the *subdivision*. Scenic points, historic spots, and other community assets and landmarks shall be preserved.

**515.4 Playgrounds and Recreation Areas**

In *subdivisions* which provide housing facilities for more than twenty-five (25) families, the Planning Commission may consider the need for suitable open areas for recreation. At the discretion of the Board of Supervisors, *improvements* to the playground or recreation areas may be required. Acreage standards to be used by the Planning Commission as guides in requesting the reservation of space for playgrounds shall be as follows:

<b>Families to be served</b>	<b>Playground Acreage</b>
25-49	2.0
50-99	3.0
100-199	5.0
200-399	7.0
400 or more	10.0

**516 MARKERS AND MONUMENTS**

**516.1** Permanent monuments shall be accurately placed at the intersections of all lines along the boundary (perimeter) of the property being subdivided.

**516.2** All lots shall be pinned at all corners by a registered surveyor.

**516.3** All streets shall be monumented (preferably on the right-of-way lines) at the following locations:

- A.** at least one monument on the diagonal corners of each intersection;
- B.** at changes in direction of street lines, excluding curb arcs at intersections;

- C. at each end of each street line, excluding arcs at intersections;
- D. at intermediate points wherever topographical or other conditions make it impossible to sight between two otherwise required monuments; and
- E. at such other places along the line of streets as may be determined by the Township to be necessary so that any street may be readily defined in the future.

#### **517 STREET NAMES AND SIGNS**

New streets providing access to a lot not already fronting on an existing named street shall be named. Street names must not be names already in use in Fayette County, and the developer must present written evidence that the proposed name has been approved by the Fayette County Emergency Management Agency. Street name signs may be required to be installed at all street intersections. The design and placement of such signs shall be subject to the approval of the Township Supervisors.

#### **518 STREET LIGHTS**

In accordance with the conditions to be agreed upon by the subdivider, the Township, and the appropriate public utility, street lights may be required to be installed in a *subdivision*, with the cost of such installation being borne by the subdivider.

#### **519 PLANTING**

Within any *land development* or *subdivision* consisting of over ten (10) lots, street trees may be required along all streets where suitable street trees do not exist. Street trees should be planted at intervals of not more than forty-five (45) feet, or an equivalent number should be planted in an informal arrangement. Street trees should not be planted opposite each other, but should alternate. At intersections, trees shall be located no closer than one hundred feet (100') from the intersection of the street right-of-way lines. Where the planting strip between the curb and sidewalk is less than seven feet (7') wide, the street trees shall be planted on the lots.

Where buffer strips are required along two different land uses and along the rear of reverse- frontage lots, an evergreen planting screen shall be used to provide an adequate visual barrier. The plant material used shall be of a minimum height of four feet (4') at the time of planting and shall be planted in a staggered arrangement.

## **520 FLOOD PLAIN AREAS**

### **520.1 Disclaimer of Township Liability**

The grant of a permit or approval of a plan for any proposed *subdivision* or *land development* shall not constitute a representation or warranty of any kind by the Township or any official or employee thereof as to the safety or practicality of any proposed use, whether or not the land involved is in a flood plain.

**520.2** Whenever any proposed *subdivision* or *land development* involves or is adjacent to any Designated Flood Plain Area, such Area must be shown prominently on both preliminary and *final plans*, together with contours at intervals of five (5) feet within the Area and within three hundred feet of the Area.

**520.3** All *subdivisions* and *land developments* must comply with Wharton Township flood plain regulations contained in the Zoning Ordinance.

## **521 NONRESIDENTIAL DEVELOPMENTS**

**521.1** Individual lots for commercial purposes shall be avoided in favor of a comprehensive design of the land to be used for such purposes.

**521.2** Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the Planning Commission to assure the free flow of through traffic from vehicles entering or leaving parking areas.

**521.3** When adjacent lots proposed for nonresidential uses front on an arterial street, the owner may be required to provide a marginal access or service road for ingress and egress.

**521.4** Alleys or service streets may be required in commercial and industrial districts, except where other adequate provisions are made for off-street loading and parking consistent with the uses proposed.

**521.5** Dead-end alleys shall be prohibited.

**521.6** Developers may be required to protect adjacent residential areas from the potential nuisance of a nonresidential developments, which may include a requirement for extra depth to parcels backing up on existing or potential residential developments and/or the provision of a permanently landscaped evergreen buffer strip.

**521.7** Streets carrying nonresidential traffic shall not normally be extended to the boundaries of the adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic.

**521.8** Parking areas in nonresidential developments may be required to be located and designed in such a manner that they are secluded from view. Grading to depress the parking area, raised berms, landscaping, or fencing are satisfactory methods to create seclusion.

**521.9** All area, design, and parking requirements shall conform to the Wharton Township Zoning Ordinance.

**521.10** Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be located so as to avoid being offensive and shall be screened from view and landscaped. The storage, collection, and disposal of refuse in the nonresidential development shall be so managed as to create no health hazard or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

## **522 UNDERGROUND UTILITIES**

The subdivider may be required to provide underground telephone and electric lines to the specifications of local utility companies.

## ARTICLE VI - MOBILE HOME PARK REGULATIONS

### 601 PERMITS REQUIRED

It shall be unlawful for any person to maintain, construct, alter, or extend any *mobile home park* within the limits of the Township, unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person and also a permit issued by the Township.

### 602 APPLICATION TO PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

All applications for a certificate of registration shall be made by the owner of the *mobile home park* or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, Chapter 4, Article 415, *Regulations for Mobile Home Parks*, adopted October 30, 1959, as amended.

### 603 APPLICATION FOR INITIAL MOBILE HOME PARK PERMIT

Application for a *mobile home park* permit shall follow the requirements and procedures as established in Article III of this Ordinance.

### 604 FINAL PLAN ACTION BY THE TOWNSHIP SUPERVISORS

**604.1** Upon receipt of the *final plan* with recommendations of the Planning Commission attached thereto, the Township Supervisors shall review the *final plan* for compliance with the provisions of this Ordinance.

**604.2** The Township Supervisors may take any of the following actions:

- A. approve the entire plan;
- B. approve the plan in part;
- C. subject the plan to modifications or conditions; or
- D. disapprove the plan.

**604.3** Upon approval of the entire *final plan* and payment of the required fees, the Board of Supervisors shall issue a *mobile home park* permit to the owner which shall be valid for a period of one (1) year.

**605 RENEWAL PERMITS**

Renewal permits shall be issued annually by the Board of Supervisors upon the furnishing of proof by the applicant that his park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Protection and this Ordinance.

- A. A building inspector or other township officer may inspect a *mobile home park* at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
- B. The permit shall be conspicuously posted in the office or on the premises of the *mobile home park* at all times.

**606 COMPLIANCE OF EXISTING MOBILE HOME PARKS**

*Mobile home parks* in existence at the date of adoption of this Ordinance and being duly authorized to operate as same by the Department of Environmental Protection may be continued so long as they otherwise remain lawful.

- A. Existing *mobile home parks* shall be required to submit an existing lot plan, drawn to scale, when applying for a *mobile home park* permit as required under this Ordinance.
- B. Any subsequent new construction, alteration, or extension of an existing *mobile home park* shall comply with the provisions of this Ordinance.
- C. Any existing *mobile home park* which in the opinion of the Board of Supervisors creates a fire, safety, or health hazard, shall be required to comply with the provisions of this Ordinance within a reasonable period of time as determined by the same body.

**607 INDIVIDUAL MOBILE HOMES**

Individual mobile homes not located in a *mobile home park* shall not be required to obtain a *mobile home park* permit; however, they shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

**608 FEES**

The individual permit fee for each *mobile home park* and the annual renewal permit fee for each *mobile home park* shall be established by resolution by the Board of Supervisors.

## **609 SITE REQUIREMENTS**

- 609.1** Proposed site locations shall be subject to approval or disapproval on the basis of the impact of the proposed park on existing neighboring uses, public utilities, and transportation facilities.
- 609.2** The minimum size requirement for *mobile home parks* shall be five (5) acres.

## **610 SITE LOCATION**

The location of all *mobile home parks* shall comply with the following minimum requirements:

- A.** free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
- B.** not subject to flooding.
- C.** not subject to hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.

## **611 SOIL AND GROUND COVER REQUIREMENTS**

- 611.1** Unpaved and exposed ground surfaces in all parts of every park shall be covered with crushed stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- 611.2** *Mobile home park* grounds shall be maintained free of vegetative growth which is a nuisance or poisonous or which may harbor rodents, insects, or other pests in sufficient quantities to be harmful to man.

## **612 AREAS FOR NONRESIDENTIAL USE**

No part of any *mobile home park* shall be used for nonresidential purposes except such uses as are required for direct servicing, recreation for the residents of the park, and for the management and maintenance of the park.

## **613 MOBILE HOME SPACES**

- 613.1** Mobile home spaces within the *mobile home park* shall have a minimum gross area of five thousand (5000) square feet.

**613.2** The area of the mobile home spaces shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home space shall be designed so as not to heave, shift, or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure.

#### **614 REQUIRED SETBACKS, BUFFER STRIPS, AND SCREENING**

**614.1** All mobile homes shall be located at least fifty feet (50') from any park property boundary line abutting upon a public street or highway right-of-way, and at least forty feet (40') from other park property boundary lines.

**614.2** There shall be a minimum distance of fifteen feet (15') between an individual mobile home (including accessory structures attached thereto) and adjoining pavement of a park street, or common parking area, or other common area.

**614.3** All *mobile home parks* shall be required to provide an attractive visual screen along the boundary of the *mobile home park*.

#### **615 ERECTION AND PLACEMENT OF MOBILE HOMES**

**615.1** Mobile homes shall be separated from each other and from service buildings and other structures by at least thirty feet (30').

**615.2** An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home and/or located within ten feet (10') of its window, and has an opaque or translucent top or roof that is higher than such window, shall, for the purpose of this separation requirement, be considered to be part of the mobile home.

**615.3** An enclosure of compatible design and materials shall be erected around the base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

#### **616 PROPOSED STREET SYSTEM**

**616.1** All streets to be offered for public dedication will conform to Laws of the Commonwealth, Sections 506 and 507 of this Ordinance, and any applicable Township Ordinances and specifications.

**616.2** All streets within *mobile home parks*, whether or not offered for public dedication, shall conform to the following standards:

**A. General requirements:** A safe, convenient vehicular access shall be provided from

abutting public streets or roads.

- B. Access:** The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of thirty-four feet (34'). Wherever a street intersects a public street, a stop sign in conformity with Township regulations shall be installed and maintained.
- C. Internal streets:** Roadways shall be of adequate width to accommodate anticipated traffic. At the discretion of the Board of Supervisors, the cartway requirements of Section 503 may be reduced to the following minimum requirements:
  - 1. A minimum right-of-way of forty feet (40') and a minimum cartway width of thirty feet (30') will be required.
  - 2. Dead-end streets shall not be longer than four hundred feet (400') and shall be provided with a turnaround at the closed end having an outside cartway diameter of at least seventy feet (70').
- D. Required illumination of park and street systems:** All parks shall be furnished with illumination placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- E. Paving:** All streets not to be dedicated for public use shall be provided with a smooth, hard, and dust-free surface such as asphalt or macadam, which shall be durable and well drained under normal use and weather conditions.

## **617 PARKING AREAS**

Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of one hundred feet (100') from the mobile home that it is intended to serve.

## **618 WALKS**

### **618.1 General requirements**

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

### **618.2 Common walk system**

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

### **618.3 Individual walks**

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

## 619 OPEN SPACE REQUIREMENTS

All *mobile home parks* shall provide and so indicate on the plan of the *mobile home park*, suitable areas for recreation and open space uses by using the standard of twenty percent (20%) of the total land area of the *mobile home park*, of which one-half (1/2) shall be in one place. The remainder may be used to provide pedestrian connecting links to the recreation areas.

- A. The recreation and open space shall be located as centrally as possible within the *mobile home park* in order to be easily accessible to the residents of the *mobile home park*.
- B. The open space shall be landscaped with a water-absorbing surface except for recreational facilities and walkways using a hard surface.
- C. The open space must be maintained by a *mobile home park* operator or the open space can be dedicated to the Township, provide the Township is willing to accept and maintain the open space.

## 620 WATER SUPPLY AND DISTRIBUTION

### 620.1 Source of Supply

- A. The water supply shall be capable of supplying a minimum of two hundred (200) gallons per day per mobile home and shall be connected to a public water system, if adjudged feasible.
- B. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- C. No well casings, pumps, pumping machinery, or suction pipes shall be placed in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- D. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

### 620.2 Water Storage Facilities

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

**620.3 Water Distribution System**

- A. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations.
- B. The water piping system shall not be connected with nonpotable or questionable water supplies, and shall be protected against the hazards of backflow or back siphoning.
- C. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch (psi) under normal operating conditions, at service buildings and other locations requiring potable water supply.
- D. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the Board of Supervisors and the agency responsible for supplying water.

**620.4. Individual Water-Riser Pipes and Connections**

- A. Individual water-riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
- B. The water-riser pipe shall have a minimum inside diameter of three-quarters inch (3/4") and terminate at least four inches (4") above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
- C. A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

**621 SEWAGE DISPOSAL**

**621.1** An adequate and safe sewerage shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be connected to the public sewerage system if adjudged feasible and shall be designed, constructed, and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection.

**621.2 Individual Sewer Connections**

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

### **621.3. Sewer Lines**

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

### **621.4 Sewage Treatment and/or Discharge**

Where the sewer lines of a *mobile home park* are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors prior to construction.

## **622 ELECTRICAL DISTRIBUTION SYSTEM**

### **622.1 Power Distribution Lines**

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

### **622.2 Individual Electrical Connections**

- A.** Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
- B.** The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.
- C.** Where the calculated load of the mobile home is more than 60 amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

### **622.3 Required Grounding**

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

## **623 STRUCTURAL REQUIREMENTS FOR COMMUNITY SERVICE FACILITIES IN MOBILE HOME PARKS**

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

**623.2** All structures containing laundry and/or toilet facilities shall:

- A.** have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material so as to prevent entrance or penetration of moisture and weather.
- B.** have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
- C.** have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.
- D.** toilets shall be located, each in a separate compartment equipped with a self-closing door.

## **624 REFUSE DISPOSAL**

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

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

## **625 FIRE PROTECTION**

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

**625.2** No open fires shall be permitted.

## **626 FUEL SUPPLY AND DISTRIBUTION**

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

## **627 RESPONSIBILITIES OF THE PARK MANAGEMENT**

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

**627.2** The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.

**627.3** The park management shall give the Board of Supervisors or their representative free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspection.

**627.4** The management shall maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park.

**627.5** The management shall notify the local office of the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the park.

## **628 REVOCATION OF PERMIT**

Whenever, upon inspection of any *mobile home park*, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance or any regulations adopted pursuant thereto, the Board of Supervisors or appropriate officer shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated paragraphs of this Ordinance and shall advise them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended. At the end of such period, said *Mobile Home Park* shall be re-inspected, and, if such conditions or practices have not been corrected, the Board of Supervisors shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued.