

CHAPTER 22

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PART 1

GENERAL PROVISIONS

§22-101. Short Title.

This Part shall be known as the “Township of Richland Subdivision and Land Development Ordinance.”

(Ord. 278, 9/18/1991)

§22-102. Purpose.

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the Township.
- B. To guide the future growth and development of the Township, in accordance with the Comprehensive Plan of the Township.
- C. To provide for adequate light, air and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and social and economic stability of the Township and to encourage the orderly and beneficial development of the Township.
- E. To protect and conserve the value of land throughout the Township, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Township, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for subdivision and re-subdivision, in order to further the orderly layout and use of land;

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and to insure proper legal descriptions and monumenting of subdivided land.

- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.
- K. To preserve the natural beauty and topography of the Township and to ensure appropriate development with regard to these natural features.
- L. To provide for open spaces through efficient design and layout of the land.
- M. And finally, to ensure that documents prepared as part of land ownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

(Ord. 278, 9/18/1991)

§22-103. Authority.

- 1. Authority of the Board of Supervisors. The Board of Supervisors of the Township is vested by law with the control of the subdivision of land and land development within the Township by Act 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended. The Board of Supervisors shall retain the authority to approve all subdivision plans and land development plans as required herein.
- 2. Authority of the Township Planning Commission. The Township Planning Commission is hereby designated by the Board of Supervisors as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Board of Supervisors, and, when provided by ordinance, make other recommendations.

(Ord. 278, 9/18/1991)

§22-104. Application of Regulations.

- 1. Subdivision Control. No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, open 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 Chapter. No lot in any subdivision may be sold, and no permit to erect, alter

or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Board of Supervisors in connection therewith have either been constructed or guaranteed as herein provided in §22-612.

2. Land Development Control.

- A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: the filing of preliminary and final plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by resolution of the Board of Supervisors.
- B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

(Ord. 278, 9/18/1991)

§22-105. Interpretation and Conflicts.

- 1. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.
- 2. Conflict with Public and Private Provisions.
 - A. Public Provisions. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter 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 Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose high standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Chapter 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 these regulations, or the determinations of the Board of Supervisors in approving a subdivision or in enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determinations

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thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(Ord. 278, 9/18/1991)

§22-106. Modifications.

1. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and the purpose and intent of this Chapter is observed.
2. All requests for modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary.
3. The request for modification shall be referred to the Planning Commission for advisory comments.
4. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

(Ord. 278, 9/18/1991)

§22-107. Preventative Remedies.

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

- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owners, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 278, 9/18/1991)

§22-108. Civil Penalties.

- 1. Any person, acting in his/her own behalf or on behalf of a firm, corporation or other entity, who violates any provision of this Part shall be civilly liable to the Township in the amount of \$600, said liability to be his/hers and/or that of the firm, corporation or other entity. In each instance, the Township Secretary, Code Enforcement Officer or police officer shall make a determination of violation and notify the violator by first-class mail or personal service of a copy of the civil citation in form adopted by resolution of the Board of Supervisors.
- 2. The person, firm, corporation or entity cited as a violator may pay the amount of civil liability at a rate of 33% of the amount cited if said payment is made and received by the Township within 10 days of the date of the citation.
- 3. In the instance of a continuing violation of this Part, each day the violation is deemed to continue is, in and of itself, another violation and shall constitute a separate liability in the same amount as originally stated and may be cited as such in the same manner as above set forth.
- 4. The failure to pay the citation amount of the civil liability by such discount date as stated above shall give cause for the Township by its appropriate official or Solicitor to initiate a civil complaint or complaints against the violator for collection of the civil liability, interest, costs and attorney's fees.

(Ord. 278, 9/18/1991; as amended by Ord. 325, 7/3/1996)

PART 2

DEFINITIONS

§22-201. General Interpretation.

Unless otherwise expressly stated, the following words shall for the purpose of this Chapter, have the meaning herein indicated. The present tense shall include the future, the singular number shall include the plural, words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory; the word “may” is always permissive.

(Ord. 278, 9/18/1991)

§22-202. Specific Words and Phrases.

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.

APPLICATION FOR DEVELOPMENT — every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BLOCK — an area, divided into lots, and usually 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.

CARTWAY OR ROADWAY — the portion of a street or alley improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, shoulder or curb.

CLEAR SIGHT TRIANGLE — an area of unobstructed vision at:

- A. Intersections of two streets which triangle shall have sides measuring 300 feet and 30 feet, as measured along the centerline of the intersecting streets, the 300 feet being the distance along the intersecting street and the 30 feet being the distance along the centerline of the street where the view is originating.
- B. Intersections of a streets and a driveway which triangle shall have sides measuring 250 feet and 25 feet, as measured along the centerline of intersecting streets, the 250 feet being the distance along the intersecting street

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and the 25 feet being the distance along the centerline of the driveway where the view is originating.

The vertical height from ground level excludable from the clear sight triangle is three feet.

[Ord. 342]

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 Allegheny, Pennsylvania.

COUNTY PLANNING COMMISSION — the Planning Commission of the County of Allegheny.

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 of the final grade. Also, the material removed in excavation.

DEPARTMENT OF ENVIRONMENTAL RESOURCES (DER) — the Pennsylvania Department of Environmental Resources, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DESIGNATED FLOODPLAIN AREAS — a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a one-hundred-year flood as designated in the Township Zoning Ordinance [Chapter 27] as amended.

DETENTION POND — an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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.

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

DRAINAGE — the removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY — any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY — the lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

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 Township.

ENGINEERING SPECIFICATIONS — the engineering criteria of the Township, regulating the installation of any improvement or facility. In the absence of such Township engineering criteria, the applicable standards of the Allegheny County Subdivision and Land Development Ordinance shall apply.

EROSION — the removal of surface materials by the action of natural elements.

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

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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. It shall include 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. The material used to make fill.

FLOODPLAIN — the area along a natural watercourse which may from time to time be overflowed by water therefrom.

FLOODWAY — the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.

GOVERNING BODY — the Board of Supervisors of the Township of Richland, Allegheny County, Pennsylvania.

GRADING AND DRAINAGE PLAN — a plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

IMPROVEMENTS — those physical additions, installation, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewer, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INTERIOR WALK — a right-of-way or easement for pedestrian use, extended from a street into a block or across a block to another street.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- B. A subdivision of land.
- C. “Land Development” does not include development which involves:

- (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or,
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose 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.

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

LOT, 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 frontages shall each exceed 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 does not abut on a street.

LOT, MINIMUM WIDTH — the distance between the side lot lines measured at the building set-back line.

LOT, NON-CONFORMING — a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

LOT OF RECORD — a lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania.

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.

MAINTENANCE GUARANTEE — any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this Chapter.

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MAJOR SUBDIVISION — any subdivision not classified as a minor subdivision.

MARKER — a wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MINOR SUBDIVISION — the subdivision of land into not more than two parcels located on an existing improved street that does not involve: Installation of improvements as required by this Chapter; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Township's Comprehensive Plan, Zoning Ordinance, any portion of this Chapter or other State, County or Township ordinances, laws or regulations, and is not in prior recorded subdivision.

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

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

MOBILEHOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

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.

MUNICIPALITY — the Township of Richland, Allegheny County, Pennsylvania.

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 100 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 Chapter.

PERFORMANCE GUARANTEE — any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PERSON — an individual, partnership, corporation, or other legally recognized entity.

PLAN, FINAL — 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.

PLAN, PRELIMINARY — a tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH — an informal plan; subdivision 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.

PLAN, SOIL EROSION & SEDIMENTATION CONTROL — 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.

PLANNING COMMISSION — the Planning Commission of the Township.

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

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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PUBLIC MEETING — a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No.84), known as the “Sunshine Act,” 53 P.S. §271 et seq.

PUBLIC NOTICE — notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

REGULATORY FLOOD ELEVATION — the one-hundred-year flood elevation plus a freeboard safety factor of 1-1/2 feet.

RESERVE STRIP — a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RESIDENT PROPERTY OWNER — any individual maintaining a voting address in the Township, within 1000 feet of the proposed subdivision, owning real estate in his own or joint names.

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

RIGHT-OF-WAY — land legally dedicated for public purposes, including but not limited to, a street, alley or interior walk.

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

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited, or remain suspended in water, it is usually referred to as “sediment.”

SEPTIC TANK — a watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SETBACK (BUILDING SETBACK LINE) — the line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

SEWAGE DISPOSAL SYSTEM, ON SITE — a system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

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.

SHOULDER — the portion of a roadway (partway) between the curb or gutter and the travelway intended for emergency and parking use.

SIGHT DISTANCE — the extent of unobstructed vision, in a horizontal or vertical plan, along a street, as defined in §22-504 of this Chapter.

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

SOIL 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 ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **LOCAL ACCESS STREET** — are those used primarily to provide access to abutting properties.
- B. **COLLECTOR STREETS** — are those which, in addition to giving access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.
- C. **ARTERIAL STREETS** — are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- D. **MARGINAL ACCESS STREETS** — are minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersection with the arterial street.
- E. **HALF-OR PARTIAL STREET** — is a street generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.

STRUCTURE — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION — the division or re-subdivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land including

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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 agriculture purposes into parcels of more than 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 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR — a licensed surveyor registered by the Commonwealth of Pennsylvania.

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

TOP SOIL — surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the “A” horizon.

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

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

WATER FACILITY — any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATER SURVEY — an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WATERCOURSE — a stream of water, river, brook, creek, or a channel or ditch for water, whether natural or manmade.

(Ord. 278, 9/18/1991; as amended by Ord. 342, 9/3/1997)

PART 3
PROCEDURES

§22-301. General Procedure.

1. Classification of Subdivision. Whenever any subdivision of land or land development is proposed, before any 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.
2. 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 shall meet with designated Township official for an official classification of his proposed subdivision or land development. The designated Township Official shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision or a land development. At this time, the Township Engineer shall advise the Owner or his authorized agent as to which of the procedures contained herein must be followed.
3. Official Filing Date.
 - A. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the complete application and plans are received in the Municipal Building. Provided; that should said regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the 30th day following the day the application has been submitted.
 - B. Upon receipt of an application for subdivision or land development approval the designated Township official shall affix to the application both the date of submittal and the official filing date.
4. Allegheny County Planning Commission Review. All plans shall be submitted to and reviewed by the Allegheny County Planning Commission in accordance with its then prevailing rules and regulations. The Township shall forward to the subdivider a copy of any report of the Allegheny County Planning Commission.

(Ord. 278, 9/18/1991)

§22-302. Fee Schedule.

1. All filing, inspection and engineering fees shall be submitted to the Township.

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2. Plan Filing Fee. A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the Township. The Board of 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 of plans. The schedule of fees may be changed from time to time by resolution of the Board of Supervisors.
3. Review Fees.
 - A. Review fees shall include the reasonable and necessary charges by the Township's professional consultants or 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 or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
 - B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicants' request over disputed fees.
 - C. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the 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, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
4. An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The engineering fees required to be paid by this Section shall be promptly submitted to the Township by the applicant upon the submission of bills therefor to the applicant, from time to time, by the Board of Supervisors.

(Ord. 278, 9/18/1991)

§22-303. Minor Subdivision Procedure.

1. Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in §22-403 and shall be otherwise reviewed in accordance with the procedures and standards of §22-304.

2. Additional Subdivision. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure applying thereto.

(Ord. 278, 9/18/1991)

§22-304. Major Subdivision and Land Development Procedure.

1. Sketch Plan. Prospective subdividers and developers are strongly urged to discuss possible development sites with the Planning Commission prior to submission of a preliminary plan. A sketch plan shall be presented for review not less than 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 Board of Supervisors. Sketch plans should include those items listed in Part 4, Plan Requirements.
2. Preliminary Plan.
 - A. Submission of Preliminary Plans.
 - (1) The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Chapter. It is the responsibility of the subdivider or developer to coordinate his plans with the respective private and public service agencies.
 - (2) The application form shall be accompanied by the requisite fee as set forth in §22-302 of this Part and by not less than three copies of all required material and not less than nine prints of the preliminary plan of the subdivision or development as required by Township resolution from time to time.
 - (3) The designated Township official shall forward one copy of the preliminary plan prints and one copy of the required material to the Allegheny County Planning Commission, Township Engineer and such other agencies as he deems appropriate for review and comment.
 - (4) The designated Township official shall forward the remaining copies of the preliminary plan prints and required materials to the 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 Resources.
 - B. Review of Preliminary Plans.

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- (1) In cases where the subdivision or land development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review.
- (2) The Planning Commission will consider the plan to determine if it meets the standards set forth in this Chapter and the Township Zoning Ordinance [Chapter 27].
- (3) The Planning Commission shall act on the preliminary plan within 60 days of the official filing date, but in any event shall act on the plan in time for the Board of Supervisors to render their decision within 90 days from the official filing date. In the event that any departure from this Chapter is requested by the applicant or deemed necessary for approval, the departure and the reasons for its necessity shall be entered into the records of the Board of Supervisors.

C. Planning Commission Recommendation.

- (1) The Planning Commission shall recommend whether the preliminary plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Supervisors in writing thereof, including, if disapproved, a statement of reasons for such action.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations of the Township Engineer, Township Staff, the Township Sanitary Engineer, the Allegheny County Planning Commission, interested residents, and the recommendations of any agency or agencies from which a review was requested under §22-304(2)(A)(3) of this Chapter.

D. Township Engineer Review. All plans shall be reviewed by the Township Engineer, which approval shall precede the transmission of such plans to the Board of Supervisors.

E. Resubmission of Preliminary Plans. A revised plan submitted after disapproval shall be considered, and processed as a new plan submission.

F. Approval of Preliminary Plans.

- (1) The Board of Supervisors shall act on the preliminary plan within 90 days of the official filing date. Failure to do so shall be deemed an approval. Before acting on a preliminary plan, the Board of Supervisors may hold a hearing thereon after public notice.
- (2) The Board of Supervisors shall notify the applicant of its decision to approve, approve with conditions, 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 15 days following the decision. If the plan is approved with conditions acceptable to the developer and accepted by him in writing or disapproved, the Board of Supervisors shall specify in their notice the conditions which must be met and/or the defects found in the plan, and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.

- (3) Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimension 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 guarantee 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.

3. Final Plan

A. Submission of Final Plans.

- (1) After the subdivider or developer has received official notification from the Board of Supervisors that the preliminary plan has been approved, he must submit a final plan in accordance with the provisions of §508 of the Municipalities Planning Code.
- (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 designated Township official to the Planning Commission for review and recommendation as a preliminary plan.
- (3) The subdivider or developer must submit with the final plan a guarantee for the installation of improvements which meets the requirements of Part 6.
- (4) The application form shall be accompanied by the requisite inspection and engineering fees as set forth in §22-302(C).
- (5) Documented approval of the Planning Module for Land Development by the Pennsylvania Department of Environmental Resources shall be a part of the requisite materials accompanying the final plan submission.

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- (6) The subdivider or developer shall submit a reproducible original of the plans, nine prints of the final subdivision or land development plans and at least three copies of all other required information.
 - (7) Upon receipt of the final plan, the designated Township official shall forward the original plans and five copies of the plans and one copy of all the other material to the Planning Commission for review and recommendation; one copy of the plan and one copy of all other material to the Allegheny County Conservation District for review and comments; one copy of the plan and one copy of all other material to the Allegheny County Planning Commission; one copy of the plan to the Township Sanitary Engineer; and copies to such other agencies whose recommendations would be pertinent to the processing of the plan.
- B. 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 Chapter.
 - (2) The Planning Commission shall act on the final plan within 60 days of the official filing date of the final plan.
- C. Planning Commission Recommendation.
- (1) The Planning Commission shall recommend whether the final plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Supervisors in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action.
 - (2) In making its recommendation, the Planning Commission shall consider recommendations of the Township Engineer, the Allegheny County Planning Commission, the Allegheny County Conservation District, PennDOT, and the recommendations of any agency or agencies from which a review was requested under §22-304(3)(A)(7).
- D. Township Engineer Review. All plans shall be reviewed by the Township Engineer, which approval shall precede the transmission of such plans to the Board of Supervisors.
- E. Resubmission of Final Plans. A revised plan submitted after disapproval shall be considered and processed as a new plan submission.
- F. Approval of Final Plans.
- (1) The Board of Supervisors will not take official action to approve a final plan, or will grant conditional approval only unless all improve-

ments as required in Part 6 have been installed in accordance with these regulations, or it is accompanied by a guarantee for the installation of improvements which meet the requirements of Part 6.

- (2) The Board of Supervisors shall take action within 90 calendar days from the official filing date of the final plan. Failure to do so shall be deemed an approval.
- (3) The Board of Supervisors shall notify the applicant in writing of its 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 15 days following the decision. If the final plan is disapproved, the Board of 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) If the final plan is approved subject to conditions, the Board of Supervisors shall not endorse the plan until all of the conditions have been met.
- (5) If the Board of Supervisors approves the final plan or grants a conditional approval, they shall set the amount of bonding, or other security necessary to guarantee the construction of improvements and community facilities and shall state such amount in the notice to the applicant.

G. Recording of Final Plans.

- (1) Upon approval of the final plan and satisfaction of all conditions attached to the approval, the Board of Supervisors will sign the reproducible original final plan. The final plan shall be submitted to the Allegheny County Planning Commission within 60 days and shall be recorded in the office of the Allegheny County Recorder of Deeds within 90 days after approval of the final plan or the approval of the Board of Supervisors shall be null and void. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.
- (2) Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. The approval of the final plan shall not impose any duty upon the Board of Supervisors or Township concerning maintenance of improvements until they have been officially accepted by ordinance or resolution.

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- (3) The subdivider shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such area shall remain with the Owner, and the Township shall assume no responsibility for improvement or maintenance thereof; which fact shall be noted on the final plan.

(Ord. 278, 9/18/1991)

§22-305. Revision to Previously Approved Plans.

Minor changes which would not create a new building lot in the subdivision and which falls into one of the categories listed below may be made upon the sole approval of the Planning Commission, i.e., without the necessity of Board of Supervisors approval.

- A. Survey corrections.
- B. Rights-of-way changes.
- C. Lot line alterations.
- D. Subdivision of a vacant lot by the owners of the lots to either side of said vacant lot for the sole purpose of increasing the size of the two lots to either side of the vacant lot.
- E. Adding lot lines and/or existing rights-of-way to a lot where more than one structure exists thereon providing no additional building spaces created thereby.
- F. Plan approval reinstatement where subdivider has failed to record final plan within time limit prescribed in §22-304(G)(1).

(Ord. 278, 9/18/1991)

PART 4

PLAN REQUIREMENTS

§22-401. Sketch Plan.

1. A sketch plan may be submitted by the subdivider or developer as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval or disapproval shall be given.
2. Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness; it is suggested that a sketch should include the following information:
 - A. Tract boundaries.
 - B. Location within the Township.
 - C. North point.
 - D. Streets on and adjacent to the tract.
 - E. Significant topographical physical features including floodplains in any.
 - F. Proposed general street layout.
 - G. Proposed general lot layout, including location of proposed open space and other preservation areas.
3. A subdivision sketch plan need not be to scale nor are precise dimensions required.

(Ord. 278, 9/18/1991)

§22-402. Preliminary Plan.

1. The preliminary plan shall be at a scale not more than 100 feet to the inch.
2. The preliminary plan shall show or be accompanied by the following information:
 - A. Proposed subdivision or land development name or identifying title which shall not duplicate or too closely resemble the names of existing subdivisions in the Township.
 - B. Township name.

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- C. North point, scale, key plan and date of preparation.
- D. Name(s) and addresses of the owner(s) of the property, including reference to deed book, volume and page of current legal owner.
- E. Name of the registered engineer or surveyor or other person responsible for the plan.
- F. Tract boundaries, with bearings and distances.
- G. A topographic map with contours at vertical intervals of two feet if the general slope of the site is less than 15%, and at vertical intervals of five feet if the general slope is greater than 15%.
- H. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum.
- I. All existing water courses; floodplains; wetlands; endangered species habitats; historic, architectural and archeological features; soils and geologic characteristics, including identification of potentially unstable areas; identification of any site contaminants; 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 features. All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
- K. Street pattern, showing the names (which shall not duplicate names of other streets in the post office district) and width of rights-of-way and cartways of streets, and width of crosswalks, easements and alleys; proposed lot lines with approximate dimensions and areas of all lots; proposed minimum setback line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed watercourses and detention ponds; proposed phasing of land development; typical section of all streets.
- L. Total acreage, number of lots, average lot size, density, open space and existing zoning classification.
- M. Names of owners of all adjoining properties and the names of all abutting subdivisions.
- N. A location map, at a scale of 400 feet to the inch, showing the proposed development and adjoining areas, will be required.

- O. Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
- P. Where applicable, a Sewerage Facilities Planning Module for Land Development shall be the responsibility of the applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. The completed module shall accompany the preliminary plan submission.
- Q. Provisions for collecting and discharging surface drainage on or off the site, pipe sizes, location, sizes of inlets and catch basins, etc., and preliminary design of any bridge and culvert which may be required.
- R. Profiles and typical cross-sections for all proposed streets shown on the preliminary plan.
- S. Profiles, and other explanatory data concerning installation and construction of sanitary and storm sewer system and other utility systems. The size or capacity of each should be shown and the locations and distance to each utility indicated.
- T. When required, the information required by §22-513 of this Chapter, which may be a separate plan, shall be submitted.
- U. Block for signatures of the Planning Commission and the Board of Supervisors and date of approval.
- V. Land development plans shall show building locations and parking areas in addition to the above information. (Non-subdivision plans).
- W. A letter from the subdivider specifically requesting any waiver from the regulations herein established and citing the reasons for same.
- X. Water Supply. 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 Board of 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 or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- Y. Township may require traffic analysis reports prepared by a qualified Traffic Engineer.

(Ord. 273, 9/13/1991)

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§22-403. Final Plan.

1. Final plans shall be on sheets 24 inches by 36 inches. Where necessary to avoid sheets larger than the size prescribed, final plans shall be drawn in two or more sections. The plan shall be drawn and annotated in accordance with the "Subdivision Plan Form" shown as Appendix A hereto. The final plan shall be at a scale of not more than 100 feet to the inch.
2. The final plan shall include or be accompanied by the following:
 - A. Subdivision name or identifying title.
 - B. Township name.
 - C. North point, scale, date of preparation, and date of preliminary plan approval.
 - D. Name and address of the record owner and subdivider or land developer, including reference to deed book, volume and page of current legal owner.
 - E. Name and seal of the registered professional engineer or surveyor responsible for the plan.
 - F. Tract boundaries with bearings and distances.
 - G. All existing streets and driveways on or adjacent to the tract, including name, right-of-way width, cartway width, street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
 - H. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way and boundary line 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 lot proposed to be dedicated to public use.
 - K. The proposed building set-back line for each street.
 - L. Location and width of all rights-of-way, easements, and the purpose for which the rights-of-way and easements were established.
 - M. Location of all sanitary and storm sewer easements, and location of all watercourses and detention ponds, whether public or private.

- N. All dimensions shall be shown in feet and hundredths of a foot.
 - O. Lots within a subdivision shall be numbered and their area shown within the lot boundaries; house numbers, as assigned by the Township, shall also be shown therein.
 - P. Typical section for all proposed streets.
 - Q. Permanent reference monuments shall be shown on the plan and designated existing or proposed.
 - R. Names of the adjoining subdivision shall be shown.
 - S. Names of the owners of any adjoining unplotted land shall be shown.
 - T. Approval blocks providing for the signatures of all reviewing agencies and the Board of Supervisors with the date of approval, in accordance with Allegheny County Subdivision Regulations.
 - U. An appropriate statement signed by Owner unequivocally indicating his intention either: (a) to dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or (b) to reserve as private any streets, roads, easements or rights-of-way intended not be dedicated for public use.
 - V. A statement of acknowledgement in legal form, executed by a Notary, stated that the subdivider is the Owner or equitable Owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and that it is desired to record the same.
 - W. A copy of the sewerage “Planning Module for Land Development” or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act.
 - X. Water Supply. 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 Board of 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 or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
3. Improvement and Construction Plan.

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- A. The improvement construction plan(s) shall be at any of the following scales:

Horizontal	Vertical
50 inches	5 inches or 10 inches
40 inches	4 inches or 10 inches

- B. It shall show the following:

- (1) Subdivision name or identifying title.
- (2) North point, scale, key plan and date.
- (3) Name of the Owner of record, the subdivider, and telephone numbers.
- (4) Name and seal of the registered professional engineer or surveyor responsible for the plan.
- (5) Center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile.
- (6) Right-of-way and curb lines of streets with radii at intersections.
- (7) Beginning and end of proposed construction of streets.
- (8) Tie-ins by courses and distances to intersection of all public roads with their names and widths.
- (9) Location of all monuments with reference to them.
- (10) Property lines and ownership of abutting properties.
- (11) Location and size of all drainage structures, public utilities, street name signs, and shade trees.
- (12) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.
- (13) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
- (14) Property lines and ownership, with details of easements where required.
- (15) Beginning and end of proposed construction of storm and/or sanitary sewer.
- (16) Location of storm and/or sanitary sewer laterals, Ys, etc.

- (17) Location of all other drainage facilities and public utilities.
 - (18) Profile of existing ground surface along center line of street.
 - (19) Proposed center line grade of streets with 50% of grade on tangents and elevations of 50 feet intervals, including grades at intersections, control points, etc.
 - (20) Vertical curve data of streets, including length and elevations and sight distance as required by Engineer.
 - (21) Profile of existing ground surface with elevations at top of manholes or inlets.
 - (22) Profile of storm drain or sewer, showing size of pipe, grade, cradle (if any), manhole or inlet locations, elevations at flow line, and calculations showing adequacy of inlet spacing.
4. Grading and Drainage Plan, prepared in accordance with §§22-506 and 22-507 of this Chapter.
 5. Soil Erosion and Sedimentation Control Plan when required by §22-512 of this Chapter.
 6. When required, the information required by §22-513 of this Chapter, which may be a separate plan, shall be submitted.
 7. A copy of final deed restrictions or protective covenants.
 8. A copy of any and all proposed written easements or deeds to be granted, including but not limited to, storm drainage easements, recreation easements or dedication, or agreements to pay a fee in lieu thereof, and sanitary sewer easement.
 9. Written agreement of land developer or subdivider in a form approved by the Board of Supervisors including: an agreement to construct in form and substance agreeable to the Township required improvements including but not limited to streets, curbs, sidewalks, and storm drainage facilities.
 10. An approved Department of Environmental Resources Planning Module where on-lot sewage disposal systems or community treatment systems are proposed, or written proof of the Department of Environmental Resources' approval for the extension of existing sanitary sewer service.
 11. If required, a Highway Occupancy Permit or review and written approval by the Pennsylvania Department of Transportation.
 12. Approval by the U.S. Postal Service of street names.

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13. Plans of bridges and other improvements shall contain sufficient information to provide complete working plans for the proposed construction.
14. Typical cross-section of streets showing:
 - A. Right-of-way width and location and width of paving.
 - B. Type, thickness and crown of paving.
 - C. Type and size of curb.
 - D. Grading of sidewalk area.
 - E. Location, width, type, and thickness of sidewalks.
 - F. Typical location of sewers and utilities with sizes.

(Ord. 278, 9/18/1991)

§22-404. As-Built Plans.

The subdivider or developer will furnish the Township with as-built plans for sanitary sewer systems, storm sewer systems and roads within the subdivision or land development. Four copies of as-built plans plus one set of reproducible mylars shall be supplied.

(Ord. 278, 9/18/1991)

PART 5

GENERAL DESIGN PRINCIPLES

§22-501. Application.

The following principles, standards and requirements will be applied by the Board of Supervisors and Planning Commission to evaluating plans for proposed subdivision or land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter.

(Ord. 278, 9/18/1991)

§22-502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed.
2. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:
 - A. Land subject to flooding or which has a high ground water table.
 - B. Land which, if developed, will create or aggravate a flooding condition upon other land.
 - C. Land subject to subsidence.
 - D. Land subject to underground fires.
 - E. Land which, because of topography or means of access, is considered hazardous by the Board of Supervisors.
 - F. Land which is subject to ground pollution or contamination.
3. Proposed subdivisions of land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
4. Proposed land uses shall conform to the Township Zoning Ordinance [Chapter 27].

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(Ord. 278, 9/18/1991)

§22-503. Street System.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivision or land developments.
2. Proposed streets shall further conform to such Municipal, County and State road and highway plans as have been prepared, adopted or filed as prescribed by law.
3. Streets shall be related to the topographys so as to produce usable lots and acceptable grades.
4. Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Township specifications. Reserve strips and landlocked areas shall not be created.
5. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector streets shall be designed for used by through traffic.
6. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of land between the arterial street or limited access highway and the marginal access streets. The Board of Supervisors may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
7. Half or partial streets will not be permitted in new subdivisions or land developments. Where a half street already exists in an adjoining subdivision, the remaining half shall be provided in the proposed subdivision.
8. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.
9. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cur-de-sacs.

10. New reserve strips, including those controlling access to streets, shall be forbidden, except where their control is definitely placed in the Township under conditions approved by the Township Supervisors.
11. Where adjoining areas are not subdivided, the arrangements of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.
12. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
13. No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of the Board of Supervisors and upon such condition as the Board of Supervisors may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of 50 dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Township are adequate to handle the anticipated volume.
14. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Board of Supervisors pursuant to §22-504(2)(C).

(Ord. 278, 9/18/1991)

§22-504. Street Design.

1. Street Classification. Three functional classifications are hereby established for the streets and roads in the Township:
 - A. Arterial. This classification includes highways which provide inter-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.
 - B. Collector. This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.
 - C. Local Access. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short.

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These streets and roads should be designed for operating speeds of 25 miles per hour or under.

2. Right-of-Way Widths.

A. Minimum widths for each type of public street shall be as follows:

Type of Street	Right-of-Way Width	Cartway Width
Arterial	80' – 120'	48' – 60'
Collector	60'	36'
Local Access	50'	22'

B. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.

C. Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking spaces in areas of intensive use.

3. Cul-de-sac Streets.

A. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than 40 feet and a street property line radius of 50 feet.

B. 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. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround if vacated by the Township.

C. Commercial and industrial cur-de-sacs shall be reviewed for adequacy by the Township Engineer. His recommendations will be given to the Board of Supervisors who shall have final authority in this matter.

D. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed 1,000 feet in length. Because of special conditions the Planning Commission may approve cul-de-sac streets exceeding 1,000 feet in length, in which event, larger turnarounds or additional turnarounds may be required.

4. Street Alignment.

- A. Whenever street lines are deflected connection shall be made by horizontal curves.
- B. The minimum radius at the center line for horizontal curves on arterial streets shall be 600 feet, on collector streets shall be 300 feet, and for local streets the minimum radius shall be 150 feet.
- C. On local access streets, the minimum tangent between reverse curves shall be at least 100 feet; on collector and arterial streets, the minimum tangent shall be at least 250 feet.
- D. Design for horizontal curves including stopping sight distance and superelevation shall conform to the Pennsylvania Department of Transportation Design Standards for local roads and streets.

5. Street Grades.

- A. The minimum grade on all streets shall be 1%.
- B. The maximum grade on arterial streets shall be 5%, on collector streets shall be 8% and on local access streets, 12%.
- C. Vertical curves shall be used in changes of grade exceeding 1% and shall provide proper sight distances as specified herein above.
- D. Design for vertical curves shall conform to the Pennsylvania Department of Transportation Design Standards for local roads and streets.

6. Street Intersections.

- A. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than 600 feet as measured from centerline to centerline.
- B. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than 150 feet unless the streets are directly opposite each other.
- C. Multiple intersections involving the junction of more than two streets shall be prohibited.
- D. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than 75°. The intersection of two local streets shall not be at an angle of less than 60°.

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- E. Minimum curb radius at the intersection of two local streets shall be at least 25 feet, and minimum curb radius at an intersection of a local street and a collector or arterial street shall be at least 35 feet.
 - F. There shall be provided and maintained at all intersections of streets and streets and of streets and driveways clear sight triangles as defined in this Section. [Ord. 342]
 - G. Intersections shall be designed so that the intersecting street proceeds on a minus 2% grade for a distance of 40 feet from the centerline of the intersected street. The 2% grade and the continuing grade shall be transitioned with a vertical curve that provides adequate sight distance.
7. Pavement Design.
- A. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408.
 - B. Minimum requirements for street construction in the Township: Shall be as specified in construction standard details adopted by resolution of the Board of Supervisors.
8. Alleys. Alleys are prohibited in residential developments.

(Ord. 278, 9/18/1991; as amended by Ord. 342, 9/3/1997)

§22-505. Curbs and Sidewalks.

- 1. Curbs.
 - A. Curbs shall be provided on all streets.
 - B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
 - C. Curbs may be either the six inch high vertical concrete type or six inch high – 18 inch wide wedge type. The transition from one type of curb to another shall occur only at street intersections.
 - D. All vertical curbs shall be concrete with expansion joints every 20 feet, and shall follow PennDOT standards where applicable.
- 2. Sidewalks.

- A. Sidewalks shall be provided on all streets and parking compounds located within multifamily and apartment building developments. Sidewalks shall also be required on all streets in subdivisions or land developments in which average lot width of interior lots at the required building setback line is 149 feet or less. The requirement of sidewalks may be waived at the discretion of the Board of Supervisors.
- B. Minimum widths for sidewalks along each type of public street shall be four feet, and shall follow Township specifications. [Ord. 347]

(Ord. 278, 9/18/1991; as amended by Ord. 347, 3/4/1998)

§22-506. Storm Sewers.

- 1. Lots shall be laid out and graded to provide positive drainage away from buildings. The Board of Supervisors may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements for which positive drainage is assured.
- 2. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from the Township or Department of Environmental Resources, whichever is applicable.
- 3. Where a subdivision or land development is traversed by a natural 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.
- 4. The Township will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- 5. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
 - A. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
 - B. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the Township.
 - C. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and

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facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural water course.

6. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
7. Storm sewers, when located in undedicated land, shall be placed within an easement not less than 20 feet wide, as approved by the Township Engineer, who may require additional width of easement as circumstances warrant.
8. Street drainage will not be permitted to cross intersections or the crown of the road.
 - A. Inlets shall be spaced to handle the twenty-five-year flow for the drainage areas entering the inlets, and maximum spacing of street inlets shall not exceed 600 feet.
 - B. All street inlets shall be PennDOT Type "M" or as set by standards of the Board of Supervisors. Inlet tops shall be cast in place reinforced concrete, precast concrete or cast iron, with flush mounted gratings.
 - C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
 - D. Minimum pipe size shall be 15 inch diameter. (Unless as reduced by storm water management techniques.)
 - E. The following materials are acceptable for storm sewer pipe: Class III Reinforced Concrete (required under paving), corrugated metal (16 gauge minimum) or corrugated polyethylene (AASHTO-M252).
9. All springs and sump pump discharges shall be collected so as not to flow in the streets.
10. Stormwater roof drains shall not discharge water directly over a sidewalk. Whenever possible, roof drains shall terminate at a splatter slab or elbow fitting in the yard to discharge the rain water over lawns and shrubbery.
11. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.
12. The Soil Conservation Service TR55 "Urban Hydrology for Small Watersheds" or rational method shall be used as the primary means of estimating stormwater runoff.

13. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
14. The minimum design criteria shall be a twenty-five-year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
15. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all facilities.

(Ord. 278, 9/18/1991)

§22-507. Lot Grading for Subdivision and Land Developments.

1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum 2% slopes away from structures shall be required.
2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than 1% nor more than 4%. The swales shall be sodded, planted or lined as required. A Grading and Draining Plan shall be required for all subdivisions and land developments, except minor subdivisions.
3. All lots must be kept free of any debris or nuisances whatsoever.
4. All grading shall conform to Township Grading Ordinance [Chapter 9].

(Ord. 278, 9/18/1991)

§22-508. Blocks and Lots.

1. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail where they are not in conflict with provisions of the Zoning Ordinance [Chapter 27].

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- A. Blocks shall not exceed 1600 feet in length, nor be less than 500 feet in length.
- B. Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector streets are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two tier design.
- C. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
- D. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
- E. Lots shall, in general, front on a street which has already been dedicated to the Township, or which the subdivider or developer proposes to dedicate to the Township in connection with approval of the final plan. In commercial or industrial subdivision or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Board of Supervisors.
- F. The Township shall assign house numbers to each lot within a subdivision.
- G. Minimum lot sizes shall be in accordance with the Township Zoning Ordinance [Chapter 27].
- H. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision, Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Board of Supervisors.
- I. Double frontage lots are prohibited except in accordance with §22-508(2)(B) above.
- J. No residential lots shall be created which front upon an arterial street, as defined in §22-504(1) herein.

(Ord. 278, 9/18/1991)

§22-509. Development on Private Streets Discouraged.

1. It is the policy of this Township that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Township recognizes the need for limited exceptions to the foregoing general policy.
2. No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front on such private street or road.

(Ord. 278, 9/18/1991)

§22-510. Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments.

1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and watercourse.
2. **Open Space.** Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a “limit of work,” which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
3. **Tree Preservation.** Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
4. **Topsoil Preservation.** All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% and shall be stabilized by sodding on slopes 10% or more and planted in ground cover on slopes 20% or greater.
5. **Landscaping.** For all multifamily, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.

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6. Buffer Planting Requirements. Buffer yard requirements should be as specified in the Township Zoning Ordinance [Chapter 27].
7. Preserved Landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
8. Trees. The planting of trees within the street right-of-way line shall not be permitted without the consent of the Township. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.
9. Watercourse Protection. Where a subdivision or land development is traversed by a natural 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. Such easement shall be in addition to the open space required in §22-510(2).

(Ord. 278, 9/18/1991)

§22-511. Contribution for Recreation Purposes.

1. It is the policy of this Township to provide recreational facilities for all the residents of the Township pursuant to the Township Recreation Plan. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increases in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.
2. A contribution for recreation purposes of a Recreational Health and Safety Fee shall be made at the rate established, from time to time, by resolution of the Board of Supervisors, per dwelling unit, payable upon and as a condition of obtaining a building permit pursuant to the ordinances of this Township.
3. In addition to the above mentioned fee the developer may be required to provide active recreational facilities and/or open space pursuant to standards in the Zoning Ordinance [Chapter 27].

(Ord. 278, 9/18/1991)

§22-512. Erosion and Sediment Control.

1. General Purpose.

- A. The Board of Supervisors finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and therefore those regulations governing erosion control and sedimentation control are necessary for the Township.
 - B. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Township Engineer and/or the Allegheny County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary.
 - C. No subdivision or land development plan shall be approved unless: (1) there has been an Erosion and Sedimentation Control 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 (2) there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentations is not necessary.
 - D. Where not specified in this Chapter, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specification of the Allegheny County Soil and Water Conservation District, the State Clean Streams Act, and shall comply with applicable regulations of the Department of Environmental Resources. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.
2. Performance Principles. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:
- A. Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.
 - B. Development plans shall preserve salient natural features, keep cut-fill operation to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity 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.

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- 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. 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.
3. Grading for Erosion and Other Environmental Controls. In order to provide suitable site for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
- A. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with §22-504(7) and as approved in the final plan.
 - B. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
 - C. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - D. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
 - E. During grading operations, necessary measures for dust control will be exercised.
 - F. Grading equipment will not be allowed to enter into flowing streams, unless permitted by the Department of Environmental Resources.
4. Responsibility.
- A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and 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 erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
 - C. It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.
 - D. The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.
5. Compliance with Regulations and Procedures.
- A. The Board of Supervisors, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in §§22-512(2) and 22-512(3) hereof.
 - B. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Allegheny County Soil Conservation District.
6. Stream Channel Construction. Stream channel construction on watersheds with drainage areas in excess of 1/2 square mile, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Resources.

(Ord. 278, 9/18/1991)

§22-513. Floodplain Area Regulations.

1. Purpose. The specific purposes of these special provisions are:
- A. To regulate the subdivision or development of land within any Designated Floodplain Area in order to promote the general health, welfare, and safety of the community.
 - B. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

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- C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.
2. Abrogation and Greater Restrictions. To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Chapter, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Chapter.
3. Disclaimer of Municipal Liability. The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees or agents.
4. Application Procedures and Requirements.
 - A. Pre-Application Procedures.
 - (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.
 - (2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.
 - B. Preliminary Plan Requirements. The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:
 - (1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
 - (2) A map showing the location of the proposed subdivision or land development with respect to any Designated Floodplain Area, including information on, but not limited to, the one-hundred-year flood elevations, boundaries of the Floodplain area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

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lectively, increase the one-hundred-year flood elevation more than one foot at any point.

- (3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for those uses may be permitted outside the floodway area in a Floodplain Area if the lowest floor (including basement) is elevated to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least 15 feet beyond the limits of the proposed structures and access shall meet the requirements of §22-513(5)(C) hereinbelow.
- (4) Building sites for structures or building other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a floodplain area shall be protected as provided for in §22-513(5)(A)(3) above. However, the Board of Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood-proofed to the regulatory flood elevation.
- (5) If the Board of Supervisors determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (6) When a developer does not intend to develop the plat himself and the Board of Supervisors determines that additional controls are required to insure safe development, they may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities.

- (1) Storm drainage facilities shall be designed to convey the flow of surface water without damage to person or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (2) Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county and regional drainage plans. The facilities shall be designed to prevent the discharge or excess runoff onto adjacent properties.

- C. Streets and Driveways. The finished elevation of proposed streets and driveways shall not be more than the one foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Chapter shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- D. Sewer Facilities. All sanitary sewer systems located in any Designated Floodplain Area, whether public or private, shall be flood proofed up to the regulatory flood elevation.
- E. Water Facilities. All water systems located in any designated floodplain area, whether public or private, shall be flood proofed up to the regulatory flood elevation.
- F. Other Utilities and Facilities. All other public or private utilities and facilities, including gas and electric, shall be elevated or flood proofed up to the regulatory flood elevation.

(Ord. 278, 9/18/1991)

§22-514. Storm Water Management.

1. No final land development plan shall be approved, no permit authorizing construction issued, or any earth-moving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this Section.
2. Definitions of Terms Peculiar to this Section.

APPLICANT — a landowner or developer, as defined by this Chapter, who has filed an application for development, including his/her heirs, successors and assigns.

CHANNEL — a natural stream that conveys water; a ditch or open channel excavated for the flow of water.

CULVERT — a pipe, conduit or similar structure, including appurtenant works which carries a stream under or through an embankment or fill.

DAM — any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water, or a structure for highway, railroad or other purposes which may impound water.

DESIGN STORM — the magnitude of precipitation from a storm event measured in probability of frequency of occurrence (e.g., fifty-year storm,) and duration (e.g.,

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twenty-four-hour), and used in computing stormwater management control systems.

DETENTION — the slowing, dampening, or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area such as detention basins, reservoirs, on roof tops, in streets, parking lots, or within the drainage system itself, and releasing the water at a desired rate of discharge.

DETENTION BASIN — a basin design to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event; or it can be designed to contain a permanent pool of water.

DEVELOPMENT — any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.

DEVELOPMENT SITE — a lot, parcel or tract of land on which development is taking place or is proposed.

DISCHARGE — rate of flow, specifically fluid flow. A volume of fluid flowing from a conduit or channel, or being released from detention storage, per-unit of time. Commonly expressed as cubic feet per second (cfs), million gallons per day (mgd), gallons per minute (gpm), or cubic meters per second (cms).

DISCHARGE CONTROL POINT — a point of hydraulic concern, such as a bridge, culvert, or channel section, for which the rate of runoff is computed or measured in the watershed plan.

DRAINAGE — interception and removal of excess surface water or groundwater from land by artificial or natural means.

DRAINAGE AREA — the contributing area to a single drainage basin, expressed in acres, square miles, or other units of area; also called a catchment area, watershed, or river basin; the area served by a drainage system or by a watercourse receiving storm and surface water.

DRAINAGE EASEMENT — a right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

ENCROACHMENT — any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water.

EROSION — the wearing away of the land surface by running water, wind, ice, or other geological agents, including such process as gravitational creep.

EXCAVATION (cut) — any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated and shall include the conditions resulting therefrom.

FLOODPLAIN — a normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Floodplain Management Act (act of October 4, 1978, P.L. 851, No. 166) and regulations pursuant to the Act define the floodplain as the area inundated by a one-hundred-year flood and delineated on a map by FEMA (Federal Emergency Management Agency).

HYDRAULICS — the branch of science concerned with the mechanics of fluids, especially liquids. As applied in stormwater management, the study of the characteristics of water flow in, and conveyance capacity of, a watercourse, considering such factors as depth, velocity and turbulence.

HYDROLOGY — the science dealing with the waters of the earth and their distribution and circulation through the atmosphere. Engineering hydrology deals with the application of hydrolic concepts to the design of projects for use and control of water.

HYDROGRAPH — a graph showing, for a given point on a stream or for a given point in any drainage system, the discharge, stage, velocity, or other property of water in respect to time.

IMPERVIOUS MATERIAL OR SURFACE — material which resists the entrance or passing through of water or other liquids.

LAND DISTURBANCE — any activity involving grading, digging or filling or stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.

NATURAL STORMWATER RUNOFF REGTIME — a watershed where natural surface configurations, runoff characteristics, and defined drainage conveyances have attained the conditions of equilibrium.

OBSTRUCTION — any structure or assembly of materials including fill above or below the surface of land or water, any activity which might impede, retard, or change flood flows.

OUTFALL — points or areas at which stormwater runoff leaves a site, which may include streams, storm sewers, swales or other well defined natural or artificial drainage features, as well as areas of dispersed overland flows.

OUTLET STRUCTURE — a structure designed to control the volume of stormwater runoff that passes through it during a specific length of time.

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PEAK RATE OF RUNOFF OR DISCHARGE — the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

PERFORMANCE STANDARD — a standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it. A specification standard in contrast is one which prescribes the exact characteristics to be used, leaving little choice to the applicant. The release rate percentage is an example of a performance standard; the design standards for storm sewers are specification standards.

PERVIOUS MATERIAL — material which permits the passage or entrance of water or other liquid.

POINT OF INTEREST — a point of hydrological and hydraulic importance used for computing a release rate percentage. These may include points of stream confluences, an existing obstruction or problem area, or other similar points.

RATE OF RUNOFF — instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as discharge. Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

RELEASE RATE PERCENTAGE — the percentage of pre-development peak rate of runoff from a watershed subarea (as delineated in the watershed plan), which defines the allowable post-development peak discharge from any development site in that subarea. The release rate percentage is determined by computing the following:

$$\frac{\text{subarea pre-development rate of runoff contributing to peak at downstream point of interest}}{\text{Subarea pre-development peak rate of runoff}} \times 100 = \text{Release Rate Percentage}$$

RUNOFF CHARACTERISTICS — the surface components of any watershed which affects the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes, and manmade landscape alterations.

SEDIMENT — solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

SEDIMENT BASIN — a barrier or tam built at a suitable location to retain rock, sand, gravel, silt or other material.

SOIL-COVER COMPLEX METHOD — a method of runoff computation developed by the U.S. Soil Conservation Service and found in its publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, SCS, January 1975 (or most current edition).

STORAGE FACILITY — see detention basin.

STORM SEWER — a sewer that carries intercepted surface runoff, street water, and other washwaters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER COLLECTION SYSTEM — natural or engineered structures which collect and transport stormwater through or from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, ditches, streams, culverts, streets, and pumping stations.

STORMWATER MANAGEMENT PLAN — the plan for managing stormwater runoff from a specific development site.

STORMWATER RUNOFF — waters resulting from snow melt or precipitation within a drainage basin, flowing over the surface of the ground, collected in channels and conduits, and carried by receiving streams.

SUBAREA — a portion of the watershed that has similar hydrological characteristics and drains to a common point.

TIME OF CONCENTRATION — the time period necessary for surface runoff to reach the outlet of a subarea from the hydraulically most remote point in the tributary drainage area.

VOLUME OF STORMWATER RUNOFF — quantity of water normally measured in inches, cubic feet, or acre-feet, measured or determined analytically from (1) runoff coefficients; (2) rainfall/runoff ratios; and (3) areas underneath hydrographs.

WATERCOURSE (Waterway) — any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED — the entire region or area drained by a river or other body of water whether natural or artificial. A “designated watershed” is an area delineated by Pennsylvania Department of Environmental Resources and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

WATERSHED STORMWATER MANAGEMENT PLAN or WATERSHED PLAN — the plan for managing stormwater runoff throughout a designated watershed adopted by Allegheny County as required by the Pennsylvania Storm Water Management Plan.

3. Stormwater Plan Requirements.

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A. Exemptions for Small Developments.

- (1) Any subdivision or land development which when completed will contain less than 3,000 square feet of impervious surfaces or a grading operation of less than 30,000 square feet shall be considered a “small development.”
- (2) Applications for small developments shall include:
 - (a) Type and location of on-site stormwater management techniques or the proposed connection to an existing storm sewer system;
 - (b) Site boundaries, contours at five foot intervals, location of watershed or subarea boundaries on the site;
 - (c) Watercourses, floodplains, and existing drainage facilities on the site; and,
 - (d) Proposed arrangements of lots, streets, and approximate area to be covered by buildings, parking areas, driveways, and other paved surfaces.
- (3) The Township shall review each application to determine:
 - (a) That the project qualifies as a small development;
 - (b) That sufficient information is provided to calculate stormwater runoff;
 - (c) Whether the site is part of a larger tract for which a stormwater management plan was previously approved and therefore subject to specific controls in that plan; and,
 - (d) If connection is to be made to an existing storm sewer, that sufficient capacity is available in the sewer from the point of connection to the point of discharge to a stream.
- (4) For a parcel in single ownership only one small development application shall be permitted except for single family residential lots, after which any future development on the site shall require a stormwater management plan for the entire parcel.

B. Preliminary Stormwater Plan Contents.

- (1) As part of any preliminary plan application the following information, in addition to what otherwise may be required, shall be provided, on a separate drawing if desired.

- (a) Key Map showing location of the lot in its watershed and watershed subarea or subareas;
 - (b) Location of watershed and subarea boundaries on the plan;
 - (c) Location on the plan of the one-hundred-year floodplain from Federal Emergency Management Agency maps;
 - (d) Location in the plan of watercourses, ponds, swales, swamps, and other natural features;
 - (e) Location of soils on the plan by types and boundaries from Soil Conservation Service Maps;
 - (f) Location of contours on the plan at two foot intervals;
 - (g) Location on the plan of any existing stormwater management or drainage controls, storm sewers, culverts, swales, etc., or such devices off the plan that will be affected by runoff from the development;
 - (h) Location of all structures to restrain sediment within the plan; and,
 - (i) Location of easements or rights-of-way in the plan required for the passage of stormwater, installation of structures, and/or maintenance of the system.
- (2) The Stormwater Management Plan, including all calculations, shall be prepared and sealed by a registered professional engineer with demonstrated expertise in hydrology and hydraulics.
- (3) Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities shall be submitted with the stormwater management plan. All calculations as required by §22-514(6) shall be included.
- (4) All proposed stormwater runoff control measures shall be shown on the plan including methods for collecting, conveying, and storing stormwater runoff on-site, both during and after construction and the general type, location and size of all proposed structures in the stormwater management systems related to existing structures in the watershed.
- (5) If the development is to be built in stages, the stormwater facilities shall be installed to manage runoff safely during each stage.

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- (6) The contents of any restrictions to be applied by deed to private property for the passage of easements or access to Stormwater facilities shall be spelled out.
- (7) A list of approvals or permits required from other government agencies prior to approval of the plan by the Township shall be provided, as well as dates of submission and expected approvals.
- (8) A proposed maintenance program shall be prepared indicating what entity will own and maintain each Stormwater control facility in the plan; what type of maintenance activities will be carried out at what time intervals by what personnel and equipment and at what annual cost; and how the program will be financed if to be implemented privately.

C. Final Stormwater Plan Contents.

- (1) As part of any final plan application, a final stormwater management plan shall be prepared to include the updated preliminary plan with agreed upon corrections and the following items.
- (2) Plans and specifications for all temporary and permanent Stormwater management control facilities, in such detail that they can be bid for construction.
- (3) A schedule for installation of all such facilities.
- (4) An accurate survey showing by metes and bounds the exact location of all current and proposed easements and rights-of-way, and copies of all proposed deed restrictions.
- (5) A specific maintenance program establishing ownership and responsibility for all facilities, detailing financial requirements, sources of funding and the maintenance agreement in legal form ready for signing; and,
- (6) Financial guarantees in accordance with §22-514(4)(B).

4. Stormwater Plan Review Procedures.

- A. Before submitting a preliminary plan for Stormwater Management, applicants are urged to consult the Township Zoning Officer, the Allegheny County Planning Department, and the County Conservation District on the preparation of the plan. The applicant may prepare a sketch plan and narrative description of the Stormwater Management proposal, but any comments based on review of this information shall be considered as advisory only.

- B. Preliminary and Final Review Procedures.
- (1) Stormwater Management Plans including runoff calculations, shall be submitted to the Township Zoning Officer concurrent with the preliminary and the final subdivision or land development plan, in three copies.
 - (2) At the same time as applicant submits copies of the plan and calculations to the Township, he shall submit one copy each of the plan to the County Conservation District and to the County Planning Commission.
 - (3) The Township shall submit one of its copies of the plan and calculations to the Township Engineer.
 - (4) The Township Planning Commission shall take action on a preliminary or a final plan application, including its stormwater management provisions, not sooner than the next regularly scheduled meeting at least 30 days after receipt of the plan by the Zoning Officer.
 - (5) If the Township, County Planning Commission or County Conservation District identifies the possibility of harmful impacts downstream of the development site or errors in the calculations, the agency making the discovery shall inform the applicant, with a copy of the correspondence sent to the Zoning Officer.
 - (6) The Township Engineer shall submit a written report on the plan, along with supporting documentation, to the Township Planning Commission, in support of his decision to approve or disapprove the plan. The report shall be based on the requirements of this and other Township ordinances, the standards and criteria of the watershed plan, comments received from downstream or upstream municipalities, and good engineering practice.
 - (7) The Township shall notify, by mail, municipalities upstream and downstream of a site proposed for development at the time of preliminary and of final plan application as follows:
 - (a) Montour Run Watershed. Pine and Hampton;
 - (b) Willow Run Watershed – Hampton;
 - (c) Deer Creek Watershed – West Deer and Indiana Townships;
 - (d) Glade Run Watershed – Middlesex; and,
 - (e) Breakneck Creek Watershed – Adams.

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- (8) The Township Engineer's decisions to approve or disapprove a stormwater management plan shall be final although the Township Planning Commission or Board of Supervisors may appeal and request a review with the Engineer, considering alternative solutions, provided both the Township Engineer and the applicant's engineer agree to any revised stormwater management plan.
- (9) No preliminary or final approval shall be granted for any subdivision or land development plan until a stormwater management plan has also been approved.
- (10) The final approval given a plan shall be conditional upon receipt of any permits required by the State Department of Environmental Resources, and no building permits shall be issued or construction permitted on a development site until verified copies of such State permits have been filed with the Zoning Officer.

5. Status of Plan After Final Approval.

- A. Upon receiving final approval, the applicant may start to install or implement the stormwater management controls. If site development does not begin within two years of approval, or is suspended for a period of at least two years after being started, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the previously approved plans.
- B. Guarantee of Completion of Stormwater Management Facilities.
 - (1) The applicant, as a condition of final approval, shall provide a bond, cash deposit, certified check or other negotiable security acceptable to the Township Solicitor to guarantee installation of the stormwater management facilities. Such guarantee shall run in favor of the Township and be in the amount of 110% of the cost of installation of all such facilities as verified by the Township Engineer.
 - (2) The Township Engineer shall inspect the installation of the stormwater management facilities. His costs, in connection with each inspection, including the preparation of reports and attendance at meetings, shall be billed by the Township to Developer. The Township may, at the option of the Board of Supervisors, require the applicant to deposit with the Township sufficient funds to cover the Township Engineer's estimate of the total costs of such inspection work during installation.
 - (3) Securities guaranteeing completion shall be returned or released upon written certification of the Township Engineer that improvements and facilities have been installed and completed in accordance with the approved plan and that inspection fees have been paid in full. Written certification shall be issued not later than 30 days after the Township

Engineer's approval of all parts of the stormwater management facilities.

- (4) The Township may utilize all or a part of the securities guaranteeing completion to finish such facilities not inspected and approved within two years of the date of the recording of the plan.

C. Dedication of Public Improvements.

- (1) If stormwater management facilities are to be maintained by the Township, they shall remain private until offered for dedication or condemned for public use.
- (2) Before a stormwater management facility is accepted for public maintenance, the Township Engineer shall inspect it and find it free of defects, functioning properly and not clogged by sediment or debris. In addition the developer shall provide the Township a set of as-built plans of all facilities proposed for dedication.

- D. Construction Warranty. Prior to acceptance of any stormwater management facility, the Township shall require the developer to post a bond or other negotiable security, acceptable to and running in favor of the Township, to guarantee for a period of 18 months that the facility, once accepted, will be free of defects in material or installation. Such security shall be equal to 15% of the actual cost of the facility or improvement, and may be exercised at any time during its life to repair defects that may occur and are verified by the Township Engineer.

6. Plan Modifications.

- A. If any applicant requests a modification to an approved stormwater management plan before starting construction, the plan shall be resubmitted and reviewed as for a new plan.
- B. If a modification is requested after construction has begun, the Township Engineer shall have the authority to approve or disapprove it after field inspection provided the proposal will not result in additional changes to the otherwise approved overall development plan, and provided the standards for §22-514(6) are not compromised. The Township Engineer shall inform the Township of his decision immediately, and the Board of Supervisors may, within five days there after require the developer to resubmit the entire stormwater plan for review and decision.

7. Stormwater Management Performance Standards.

- A. For purposes of stormwater management, the Township is divided into the following stormwater management districts.

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- (1) Pine Creek District.
- (2) Deer Creek District.
- (3) Glade Run District.
- (4) Breakneck Creek District.

Each district is further divided into subareas which have similar hydrological characteristics and drain to a common point.

- B. The location and boundaries of the stormwater districts and subareas are indicated on the map titled "Allegheny County Stormwater Management Plan, Girty's Run, Pine Creek, Deer Creek, Squaw Run, Release Rate Percentage Map," which is hereby adopted as an overlay upon the Township official zoning map. Any disagreements over the boundaries shall be first decided by the Zoning Officer, with appeal of his decision to the Zoning Hearing Board.
- C. The following general criteria shall govern all stormwater control measures in the Township;
 - (a) The maximum rate of runoff shall be no greater after development than before;
 - (b) The quantity, velocity and direction of runoff shall be managed to protect public health and property from injury
 - (c) The stormwater management plan for the development site shall consider all runoff flowing over the site; and,
 - (d) No discharge of toxic materials into any stormwater management system shall be permitted.
- D. The following performance standards are intended to implement the various watershed management plans adopted and approved by the Pennsylvania Storm Water Management Act. In every case the current standards and criteria of the watershed plan shall govern in the event future amendments to it are adopted.
- E. The two-, ten-, and one-hundred-year design storm frequencies shall be used for analyzing stormwater runoff in pre- and post-development conditions, as well as for designated runoff control facilities. The Soil Conservation Service 24 hour Type II Rainfall Distribution shall be used for all analyses. The design storm, along with the twenty-four-hour total rainfall for these storm frequencies.
 - (1) Two year storm. Two and fourteen hundredths of inches of rainfall.

- (2) Ten year storm. Three and twenty-three hundredths of inches of rainfall.
- (3) One hundred year storm. Four and fifty-nine hundredths of inches of rainfall. [Ord. 278]

F. Release Rate Percentage.

- (1) All subdivisions and land developments that result in an increase in the post-development peak rate of runoff from any outfall on the side shall be subject to the release rate percentage for the watershed subarea where the site is located. The following release rate percentages by watershed subareas shall apply and the following numbers are references the numbered subbasins shown on the map title Plat 1, Allegheny County Stormwater Management Plan, Pine Creek, Deer Creek, etc.

- (a) Pine Creek.

- No's. 52, 54, 55, 59, 61, 79, and 83 – 100%
 - No's. 62 and 81 – 95%
 - No's. 58, 64 and 80 – 90%
 - No's. 56, 57, 65 and 71 – 85Z
 - No. 66 – 80%
 - No. 68 – 75%
 - No's. 67 and 70 – 70%
 - No. 69 – 65%

- (b) Deer Creek.

- No's. 2, 3, 4, 6 and 7 – 100%
 - No. 8 – 95%

- (c) (Reserved for Glade Run).

- (d) (Reserved for Breakneck Creek)

- (2) The release rate percentage is the percentage of pre-development peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land developments in the same watershed subarea. The post-development rate of runoff discharging from each outfall on or from the site shall not exceed the release rate percentage for the subarea in which the site is located.
 - (3) The following steps shall be followed to utilize the release rate percentage for a particular development site;

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- (a) Identify the subarea and release rate percentage that apply to the site;
 - (b) Compute the pre-and post-development hydrographs for each stormwater outfall for the site, using the soil cover complex method in the Soil Conservation Service's Technical Manual No. 55, for the two-, ten-, and one-hundred-year design storms. Assume no on-site detention, but minimize impervious surfaces and maximize the time for concentration of runoff flowing over the site.
 - (c) If the post-development peak runoff rate is less than or equal to the pre-development rate, no additional control shall be required at the outfall being studied. If the post-development rate exceed the pre-development value, then on-site detention will be required as outlined in (d) below.
 - (d) Multiply the subarea release rate percentage by the pre-development rate of runoff from the site to find the maximum allowable rate from any detention facility for the two-, ten-, and one-hundred-year storm events.
 - (4) An applicant may seek to exceed the otherwise applicable subarea release rate percentage by performing a "no harm evaluation." Such evaluation shall be prepared by an independent registered engineer experienced in hydrology according to methods approved by the Allegheny County Planning Department, and shall be acceptable after review by the Township Engineer. The evaluation shall demonstrate that other conditions are present to protect downstream areas from harmful runoff impacts.
8. Design Criteria for Stormwater Management Controls.
- A. Each applicant shall select the most suitable runoff control technique or combination of techniques, after consultation with the Township Engineer. In selecting the appropriate technique or combination, the applicant should consider unusual soil conditions or subsurface geological hazards under the development site.
 - B. Runoff detention facilities shall be designed to control the post-development peak runoff from the site to below the rate defined by the subarea release rate percentage for the two-, ten-, and one-hundred-year design storms.
 - C. Detention Facilities Shall be Designed To.
 - (1) Be equipped with multi-stage outlet structures to handle the two-, ten-, and one-hundred-year storm frequencies, and to pass larger storms without damage to the structure.

- (2) Encourage multi-use, such as recreation facilities or a permanent pond;
 - (3) Minimize the effects of erosion on inflow and outflow structures;
 - (4) Ease the control and removal of debris within the water storage structure and the inflow and outflow devices;
 - (5) Keep side slopes of storage areas not steeper than one foot vertical rise to each three feet of horizontal distance; and,
 - (6) To protect the storage area by surrounding it with a chain-link fence not less than four feet in height, or other appropriate security measures found acceptable by the Township Engineer.
- D. Shared storage facilities serving several development sites may be approved by the Township Engineer in the same watershed subarea, provided conveyance of runoff to the facility does not create flooding or erosion problems to channels or other properties between the development site and the shared facility.
- E. Where storm sewer elements are utilized in a stormwater management system, they shall be designed in accordance with the Township standards for pipes, inlets, etc., and shall be an integral part of the watershed plan with no harmful effects upon the receiving conveyance system.
9. Erosion and Sedimentation Controls.
- A. No earth moving activity, including disturbance of trees or vegetative cover, shall commence until an erosion and sedimentation control plan for both during construction and afterwards has been approved.
 - B. The plan shall be prepared in accordance with the Pennsylvania Erosion and Sedimentation Regulations (25 Pa.C.S. §102) and the standards and specifications of the Allegheny County Conservation District.
 - C. The plan shall be submitted as part of the applicant's preliminary and final development plans.
10. Maintenance and Inspection of Stormwater Control Facilities and Systems.
- A. The stormwater management plan for any development site shall establish responsibility for the continuing operation and maintenance of all proposed control facilities. The Township Board of Supervisors reserves the right to accept ownership and operating responsibility of any or all of the stormwater management controls.

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- B. If the stormwater management system is to be privately owned, the property owner shall sign and record a maintenance agreement covering all facilities to be privately owned, prior to final approval of the site's stormwater management plan. The agreement shall include at least the following;
- (1) The owner or land owner's association shall maintain the facilities in accordance with an approved schedule.
 - (2) The owner shall convey to the Township easements or rights-of-way to assure access for inspections, and maintenance if required.
 - (3) The owner shall file with the Township Zoning Officer the name, address and phone number of the person or company responsible for maintenance, such information to be updated within 10 days of any change.
 - (4) The owner shall establish special maintenance funds in accordance with the approved plan.
 - (5) The owner shall pay the amount due to the Township.
 - (6) If the owner fails to maintain the facilities after receiving due notice from the Township to correct specific problems, the Township shall perform the necessary maintenance or corrective work, billing the owner for the costs incurred less any amount collected if he fails to pay.
 - (7) Items (2),(3),(4) and (5) above shall be completed as a condition of final approval.
 - (8) The agreement shall be approved by the Township Solicitor.
- C. Installers of stormwater storage facilities shall pay a specified amount to Richland Township to help defray costs of inspections and/or maintenance. The amount of the deposit shall be determined as follows.
- (1) If the facility is to be privately owned and maintained, the deposit shall cover the cost of inspections performed by the Township for a period of 10 years as estimated by the Township Engineer, in each individual case. After 10 years inspections will be performed by the Township at no cost to the owner.
 - (2) If the facility is to be owned and maintained by the Township, the deposit shall cover the estimated costs of maintenance and inspections for 10 years, such costs established by the Township Engineer from information provided by the developer.

- (3) If the facility has a multiple use, the Board of Supervisors may waive or reduce the deposit consistent with the value of the land for public purposes.
- D. During construction of stormwater management systems, the Township Engineer shall inspect the progress of both temporary and permanent facilities on serving the development site. The developer shall notify the Engineer at least 48 hours in advance of completion of the following development phases:
- (1) Preliminary site preparation (stripping of vegetation, stockpiling of top soil and installation of temporary stormwater management and erosion control facilities);
 - (2) Rough grading, but prior to replacing top soil, permanent drainage, or other site development improvements and ground covers;
 - (3) During construction, as determined by the Township Engineer, or permanent stormwater facilities;
 - (4) Permanent stormwater management facilities, including established ground covers and plantings;
 - (5) Final grading and final site restoration work.
- E. No work shall begin on any subsequent phase until the preceding one has been inspected and approved. If deficiencies are discovered by the Township Engineer, he shall issue a written description of them, what corrections are needed and the time by which they must be made. Copies of the Engineer's orders shall be sent to the owner, contractor on the job and the Zoning Officer.
- F. If, during construction, the owner or contractor identifies any site conditions or alterations in drainage patterns which could affect the feasibility of the approved stormwater management plan, he shall notify the Township Engineer within 24 hours of the discovery and request a field inspection. The engineer shall decide if the condition requires any plan modifications.
- G. All costs of any special consultations, core borings, soil test, full-time inspectors, as determined by the Township Engineer, shall be borne by the developer, who shall be informed by the Engineer before the costs are incurred.

(Ord. 278, 9/18/1991)

PART 6

REQUIRED IMPROVEMENTS

§22-601. General Requirements.

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or acceptable financial guarantee for installation is provided to the Board of Supervisors.

(Ord. 278, 9/18/1991)

§22-602. Streets.

Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Township Engineer. The subdivider must install the required utilities and provide where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in §§22-503 and 22-504 of this Chapter.

(Ord. 278, 9/18/1991)

§22-603. Curbs and Sidewalks.

Curbs and sidewalks shall be provided in accordance with the standards set forth in §22-505 of this Chapter.

(Ord. 278, 9/18/1991)

§22-604. Sanitary Sewers.

1. **Public Sewer System.** When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Board of Supervisors. Where required, DER Planning Module approval shall also be obtained for final plan approval.
2. **On-Lot Sewage Disposal.** In subdivisions where public sewers are not available, on-lot sewage disposal systems shall be provided where required. Allegheny County Health Department and Department of Environmental Resources Planning Module approval shall be obtained for final plan approval.

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3. Capped Sewer System. Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required.

(Ord. 278, 9/18/1991)

§22-605. Water.

1. Provision of System. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department of Environmental Resources with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.
2. Plans. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected, shall be submitted to the Board of Supervisors. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with the Township.
3. Fire Hydrants. Fire hydrants shall be provided as an integral part of any public water supply system. The designated Township official shall be consulted to determine the location of proposed fire hydrants.

(Ord. 278, 9/18/1991)

§22-606. Storm Drainage.

A storm drainage system shall be provided in accordance with the standards set forth in §22-506 of this Chapter.

(Ord. 278, 9/18/1991)

§22-607. Utilities.

1. Easements for utilities shall have a minimum width of 20 feet.
2. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.
3. Telephone, electric, T.V. cable and such other utilities shall be installed underground unless impractical and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Board of supervisors and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed without interference to streetpaving and gutter, curbing and sidewalk installation.

(Ord. 278, 9/18/1991)

§22-608. Monuments and Markers.

1. Monuments shall be of concrete or stone at least four inch diameter by 30 inches and marked on top with a copper, brass or lead plug. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at straight line street segments on the interior of the subdivision as directed by the Township Engineer.
2. Monument Replacement. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

(Ord. 278, 9/18/1991)

§22-609. Other Improvements.

1. Shade trees shall be provided as specified in §22-510(8) of this Chapter.
2. Street name signs and traffic control signs conforming to Township specifications shall be provided and installed by the subdivider or developer at all street intersections.
3. Open space shall be provided as specified in §22-510(2) of this Chapter.
4. Other improvements to promote public safety and health as required by the Board of Supervisors as a condition of approval.

(Ord. 278, 9/18/1991)

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§22-610. Time Limits.

All improvements shall be installed according to a time schedule which shall be approved by the Board of Supervisors.

(Ord. 278, 9/18/1991)

§22-611. Inspection.

At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Board of Supervisors that the adequate inspections can be made. The inspection will be made by the Township Engineer or by designated Township personnel. All costs of undertaking the inspection will be borne by the subdivider.

(Ord. 278, 9/18/1991)

§22-612. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Chapter, the developer may deposit with the Township financial security in an amount sufficient to cover the related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.
2. When requested by the developer, in order to facilitate financing, the Board of Supervisors, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution, irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the township may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.
9. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvement in future

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sections or stages of development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary to payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
11. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the 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.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the 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 upon the final plan upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other im-

provements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(Ord. 278, 9/18/1991)

§22-613. Release From Improvement Bond.

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within 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 Board of 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 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Board of Supervisors shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.
3. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
6. Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.
7. The applicant or developer shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Board of Supervisors and as from

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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 the 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 or improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case, the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- B. If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the 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 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five 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 \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

(Ord. 278, 9/18/1991)

§22-614. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or correction to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

(Ord. 278, 9/18/1991)

PART 7
IMPACT FEE

§22-701. Title.

This Part shall be known as the “Richland Township Impact Fee Ordinance.”

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §1)

§22-702. Purpose.

The purpose for this Part is to establish the Richland Township Impact Fee Program, including a Transportation Capital Improvements Plan, to ensure that the transportation system is available and adequate to support existing volumes of traffic and traffic projected to be generated by new growth and development. To advance this objective, the Richland Township Impact Fee Program shall be based upon the imposition of an Impact Fee payable to the Township at the time of building permit issuance. Additionally, the program identifies existing deficiencies due to pass through trips and future trip generation attributable to new development. The program will provide a continuing generation of funds necessary for the Township to initiate and complete capital transportation improvements as needed in support of new growth and development. Such a program will involve participation by developers as well as local, State and Federal governments. Through the Impact Fee Program, the Township is establishing a process whereby future traffic needs can be address in a timely manner and the impact of increased traffic volumes can be minimized to the extent possible.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §2)

§22-703. Findings.

The board hereby finds and declares that:

- A. The recitals set forth at the beginning of this Part are incorporated herein as findings of the Board as if fully set forth below.
- B. The Township is committed to the provisions of a transportation system at service levels necessary to support residential and nonresidential growth and development.
- C. Transportation service levels will be provided by the Township utilizing funds allocated via the capital budget, capital improvements programs, formal and informal partnerships with the Pennsylvania Department of Transportation (PennDOT) and impact fees.

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- D. The aggregation of development in the defined Transportation Service Areas intensifies the demand for transportation improvements designed to accommodate traffic volumes at a “D” level of service as defined by the Transportation Research Board of the National Academy of Science, which is the minimum acceptable level of service to accommodate such development and the intensity thereof.
- E. The development potential of properties in the defined Transportation Service Areas is reflected in the RSA Report and the Township’s Comprehensive Plan and is implemented via the Subdivision and Land Development Ordinance and the Zoning Ordinance, [Chapter].
- F. To the extent that new development in the Transportation Service Areas places demands upon the transportation system, those demands should be satisfied by the establishment of an Impact Fee Program that distributes the responsibility for financing the provision of such transportation facilities among the Township, State and Federal governments, and developers.
- G. The amount of the impact fee to be imposed shall be calculated in accordance with the provisions of the MPC and this Part, applying the engineering standards set forth in Trip Generation, 7th Ed. Vols. 1-3, published by the Institute of Transportation Engineers, and any amendments or future editions thereof which may be adopted pursuant to the Township Secretary’s Regulations.
- H. The Township hereby finds and declares that an impact fee imposed upon new development, in order to assist in the financing of specified major Transportation Capital Improvements in the defined Transportation Service Areas, the demand for which has been quantified through the application of land use assumptions provided by the IFA appointed by the Board, is in the best interest of the Township and its residents.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §3)

§22-704. Definitions.

As used in this Part, the words shall have the meaning set forth in §§107 and 502-A of the MPC unless the context clearly indicates to the contrary. The following words and terms, not defined in the MPC or defined differently than in the MPC, shall have the following meaning unless the context clearly indicates to the contrary:

BOARD — the Board of Supervisors of Richland Township, Allegheny Count, Pennsylvania.

BUILDIGN PERMIT — a permit for the activities regulated under the Pennsylvania Uniform Construction Code as administered by the Township, including without limitation the following activities:

- A. The construction or alteration of a manmade object having a stationary location on the land or water.
- B. The construction of an addition.
- C. The demolition of or the movement of a manmade object having a stationary location on land or water.
- D. A change of occupancy or use.
- E. The installation of or the alteration of any equipment regulated by the Pennsylvania Uniform Construction Code.

COMPREHENSIVE PLAN — the overall policy guide for the physical manmade change to improve or unimproved real estate of the Township of Richland adopted by the Board as the Comprehensive Plan of the Township of Richland either as a whole or in parts, consisting of documents, maps, drawings and charts in accordance with the MPC and as amended from time to time. The Township of Richland Comprehensive Plan includes, but is not limited to, the Richland-Middlesex Joint Comprehensive Plan adopted on December 16, 2004 by the Board and designs or plans or any studies or surveys emanating there from.

DEVELOPERS — any person who has legal title of land, agent of the legal title or tenant with permission of the person who has legal title of land, who makes an application for development.

IMPACT FEE — a fee, to be paid at building permit issuance, and calculated in accordance with the provisions of MPC, as amended, and this Part.

IMPACT FEE ADVISORY COMMITTEE — the committee formed and members appointed pursuant to the requirements of the MPC by Resolution 11 of 2003 of the Board with the duties set forth in §22-712 hereof.

NEW DEVELOPMENT — any commercial, industrial or residential or other project which involves new construction, enlargement, reconstruction, redevelopment, relocation or structural alteration and which is expected to generate additional vehicular traffic within the transportation service area of the municipality. New development also includes any change in use that increases peak hour trips generated by such new use development notwithstanding the fact that little or not improvements are constructed.

P.M. PEAK-HOURS — the relevant peak hour period for the calculation of impact fees. Trips generated in the p.m. peak hours shall be calculated when determining the impact fee.

TRANSPORTATION CAPITAL IMPROVEMENTS PLAN — a plan adopted by the Board of the Township prior to the enactment of any impact fee ordinance for

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the purpose of identifying and planning for Transportation Capital Improvements. Specifically the IFA Committee prepared or directed to be prepared a Transportation Capital Improvements Plan dated November, 2004 and prepared by Trans adopted as Resolution No. 24 of 2004 by the Board on December 1, 2004.

TRANSPORTATION SERVICE AREAS — geographically defined areas of the Township which, pursuant to the zoning ordinance and applicable district regulations, have an aggregation of sites with development potential creating the need for transportation improvements for such area to be funded by impact fees as set forth in Attachment D attached hereto and made apart hereof.

TRIP GENERATION RATES — those rates of traffic for the p.m. peak hour of adjacent street traffic as determined in Trip Generation, 7th Edition Vols. 1-3, published by the Institution of Transportation Engineers, and any amendments or future editions thereof which may be adopted pursuant to the Township Secretary's regulations.

UNIT COST PER TRIP — the dollar figure calculated by dividing the total costs of the road improvements included in the adopted Transportation Capital Improvement Plan within a given Transportation Service Area attributable to and necessitated by new development within the service are divided by the number of anticipated p.m. peak hour trips generated by all new development consistent with the land use assumptions and calculated utilizing the Trip Generation Rates.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §4.)

§22-705. Applicability of Impact Fee and De Minimus New Development.

1. This Part shall be uniformly applicable to all new development that occurs within a defined Transportation Service Area.
2. This Part shall not apply to: land and/or facilities owned by the Township of Richland, other than the Richland Township Volunteer Fire Department; Holy Savior Catholic Cemetery; Bakerstown Cemetery; Poale Zedeck Cemetery; right-of-ways owned by the Pennsylvania Turnpike Commission and CSX Transportation; the Yorktowne Planned Residential Development; and properties located in both Richland Township and Hampton Township and accessing East Hardies Road through Hampton Township, all such parcels as are shown as "exempt" on Attachment D.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §5)

§22-706. Imposition of Impact Fee.

No building permit subject to this Part shall be issued for a development in a Transportation Service Area unless the applicant has paid the impact fee imposed by and calculated pursuant to this Part.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §6)

§22-707. Calculation of Impact Fee.

1. The unit cost per trip is derived from the Transportation Capital Improvements Plan and may be amended as transportation needs dictate and as directed by the Board in accordance with the procedures set forth in this Part and the MPC.
2. The impact fee imposed by this Part upon all new development shall be determined by applying the unit improvement cost to the p.m. peak hour trips generated by a new development utilizing the Trip Generation Rates, or by a Special Transportation Study pursuant to §22-715. To determine the fee for a specific use, the number of new p.m. peak hour trips for the proposed use shall be multiplied by the unit improvement cost rate in each Transportation Service Area.
3. If the development for which a building permit is sought contains a mix of uses, the applicant must separately calculate the impact fee due for each type of development.
4. If the development for which a building permit is sought is located on a parcel in which an existing facility will be removed, a credit equal to the number of new p.m. peak hour trips generated by that the existing facility will be given. In no event shall the credit be greater than the estimate of the p.m. peak hours trip generation submitted to either the Township at the time of a land development approval or PennDOT at the time of highway occupancy permit approval for that existing facility. Where such information is unavailable, the credit shall be determined pursuant to the Township Secretary's Regulations.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §7)

§22-708. Additional Impact Fee.

1. **Applicability.** An additional impact fee shall be imposed upon new developments that generate 1,000 or more p.m. peak hour trips, net of pass-by trips as defined by Trip Generation 7th Ed. Vols. 1-3, published by the Institute of Transportation Engineers, and any amendments of future editions thereof which may be adopted pursuant to the Township Secretary's regulations. This Section is in addition to the impact fee calculated under the Part.
2. **Traffic Study.** An applicant for a new development that generates 1,000 or more p.m. peak hour trips shall be required to perform a traffic analysis of development traffic impact on highways, roads or streets outside the Transportation Service Area in which the new development is located, but within the boundaries of the Township. Any highways, roads or streets or parts thereof, outside the Transportation Service Area that will accommodate 10% or more of the new development

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traffic and 100 or more new p.m. peak hour trips may be required to be studied. The traffic study is to be conducted in accordance with the Township requirements as determined by the Township Traffic Engineer.

3. Mitigation. Applicants for new development that generate 1,000 or more new p.m. peak hour trips, less pass by trips will be required to mitigate the traffic impact of the new development on the affected roads, highways and streets per the traffic study to maintain the pre-development conditions.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §8)

§22-709. Establishment of Transportation Service Areas.

The Township has defined Transportation Service Areas as shown on the Transportation Service Area Map (see Attachment D) in accordance with the provisions of the MPC.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §9)

§22-710. Special Transportation Study.

1. Applicability of this Section. The Board may permit or require the developer of a new development to perform a Special Transportation Study to document actual trip generation from a particular use. The instances when a Special Transportation Study can or must be performed are limited to instances where:
 - A. The Township requests a Special Transportation Study.
 - B. No "R" value or fitted curve equation is provided for the use in the currently adopted version of Trip Generation Manual, published by the Institute of Transportation Engineers.
 - C. The use is not represented in Trip Generation 7th Ed. Vols. 1-3, published by the Institute of Transportation Engineers or any amendments of future additions which may be adopted pursuant to the Township Secretary's regulations.
 - D. A developer of a new development desiring a refund of a portion of the impact fee may perform a Special Transportation Study after the new development is issued a certificate of occupancy and has been fully operational for a period of no less than six months from that date; provided, however, such Special Transportation Study must be completed and submitted to the Township no less than one year from the date of the certificate of occupancy.
2. Guidelines for Conducting a Special Transportation Study. All special transportation studies must be conducted in accordance with the Township Secretary's regu-

lations. The developer shall be responsible for all costs associated with the Special Transportation Study.

3. Refunds. Requests for a refund of a portion of an impact fee as a result of a Special Transportation Study conducted under Subsection (1)(D) of this Section must be in writing directed to the Township Secretary and must be postmarked within 18 months of the date of the date of certificate of occupancy. No adjustments will exceed the amount of the impact fee actually paid.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §10)

§22-711. Administration of Impact Fees.

1. Collection of Impact Fee. Impact fees due pursuant to this Part shall be collected by the Township in the manner prescribed herein prior to issuance of a building permit.
2. Establishment and Maintenance of Accounts. The Township Secretary shall establish interest-bearing thrust fund accounts created solely for impact fees and shall maintain records whereby impact fees collected are segregated by Transportation Service Areas. All interest earned shall become the funds of that account. Impact fees generated from new development may only be expended for Transportation Capital Improvements identified as being funded by impact fees under the Transportation Capital Improvements plan in a particular Transportation Service Area, except as provided in §22-713.
3. Maintenance of Records. The Township Secretary shall maintain and keep adequate financial records for each such account that will show the source and disbursement of all revenues, that will account for all moneys received and that shall ensure that the disbursement of funds from each account will be used solely and exclusively for the provision of projects specified in the Transportation Capital Improvements Plan for the particular Transportation Service Area.
4. Annual Accounting. The Township will provide that an annual accounting is made for any account containing impact fee proceeds and earned interest. The accounting shall include the total funds collected, the source for the funds collected, the total amount of interest accruing on such funds and the amount of funds expended on specific transportation improvements. Notice of the availability of the results of the accounting will be included and published as part of the Township's annual audit. A copy will also be provided to the IFA Committee.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §11)

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§22-712. Impact Fee Advisory Committee.

1. Role of the Impact Fee Advisory Committee. The IFA Committee has been formed pursuant to the MPC, as amended, to service in an advisory capacity to the Board. The IFA Committee has as its duties:
 - A. To make recommendations, with respect to land use assumptions, the development of comprehensive road improvements and impact fees.
 - B. To make recommendations to approve, disapprove or modify a capital improvement program by preparing a written report containing these recommendations to the Township.
 - C. To monitor and evaluate the implementation of a capital improvements program and the assessment of impact fees and report on at least a bi-annual basis to the Township with respect to the same.
 - D. To advise the Township of the need to revise or update the land use assumptions, Capital Improvements Program or impact fees.
 - E. To conduct public hearings with respect to any recommendations on land use assumptions in accordance with the requirements of this Part and MPC.
 - F. To prepare or cause to be prepared a roadway sufficiency analysis in accordance with the requirements of this Part and the MPC.
 - G. To review and make recommendations to the Board on changes to the Township Secretary's regulations as may be proposed from time to time.
2. Review of Transportation Capital Improvements or Impact Fees Charge.

The Board may request, no more than annually, the IFA Committee to review and make recommendations on the Transportation Capital Improvements or impact fee charges and the IFA Committee shall review and make recommendations on the Transportation Capital Improvements or Impact Fee charges every three calendar years from the effective date of this Part or the date that the last review was completed, whichever is longer, based only on:

- A. Subsequent new development which has occurred in the Township.
- B. Completion of capital improvements in the Transportation Capital Improvements Plan.
- C. Unavoidable delays in construction of capital improvements contained in the plan beyond the Township's control or responsibility.
- D. Significant changes in the land use assumptions.

- E. Changes in the estimated costs of the transportation improvements proposed which may be recalculated by applying the construction cost index as published in the American City/County Magazine or the Engineering News Record, provided however, the Board upon the recommendation of the Township traffic engineer may instruct the IFA Committee to utilize another method.
- F. Significant changes in the projected revenue from sources listed.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §12)

§22-713. Disbursement Of Impact Fees for Projects Not Listed on the Transportation Capital Improvements Plan.

The Township may expend impact fees paid by an applicant on projects not contained in the adopted Transportation Capital Improvements Plan if all of the following criteria are met:

- A. The applicant has provided written consent to use its collected impact fees for specific transportation projects which are not included in the Transportation Capital Improvement Plan.
- B. The alternative transportation project, whether highway or multi-modal, has as its purpose the reduction of traffic congestion or the removal of vehicle trips from the roadway network.
- C. The Township amends its Transportation Capital Improvements Plan components required by §504-A (e)(1)(vi) of the Municipalities Planning Code, 53 P.S. §10504-A(e)(1)(vi) to provide replacement of the collected impact fees transferred to transportation projects outside the approved Transportation Capital Improvements Plan from sources other than impact fees or developer contributions within three years of completion of the alternative projects to which the transferred fees were applied.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §13)

§22-714. Method of Payment.

Payment of the impact fee shall be made by the new development prior to the issuance of a building permit by the Township to the new development for development on the applicable site.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §14)

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§22-715. Credits.

1. A traffic generator is entitled to a credit against the impact fee in the amount up to the fair market value of any land dedicated by the applicant to the Township for future right of way, realignment or widening of any existing roadways or for the value of any construction of road improvements contained in the Transportation Capital Improvements Plan which is performed at the applicant's expense. The amount of such credit for any capital improvement constructed shall be the lesser of the developer's certified cost of construction or the amount allocated to be paid for that capital improvement by all impact fees in the Transportation Capital Improvements Plan, including contingency factors for such work. The fair market value of any land dedicated by the applicant shall be determined as of the date of the submission of the initial land development or subdivision application to the Township and the credit cannot exceed the lesser of the value for such right of way set forth in the Transportation Capital Improvements Plan or the impact fee.
2. Any new development which performs, at its own expense, off-site Transportation Capital Improvements(s) as defined by this Part, shall, at the discretion of the Board be eligible for a credit toward the impact fee otherwise due in the amount of the lesser of the actual cost of such off-site improvements as approved by the Township Engineer, the amount allocated to be paid for these Transportation Capital Improvement(s) by all impact fees or the amount of the impact fee. In order for a new development to be eligible for this credit the developer must request approval from the Board to perform off-site improvements during the subdivision or land development approval process but no later than prior to preliminary subdivision or preliminary land development approval by the Board. The request must be in writing and must set forth the off-site capital improvement project(s) for which the developer is seeking approval to construct and thereafter receive credit and should the same be accepted by the Township offer the same as a voluntary condition of approval by the Board. The developer must enter into a written agreement with the Township prior to the issuance of any building permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, guarantee that the improvement be completed to Township and Pennsylvania Department of Transportation standards and design criteria and such other terms and conditions as deemed necessary by the Township. The Board shall review the proposed off site improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, determine if the credit would deprive the Township of revenues need for the orderly funding of the Transportation Capital Improvements Plan and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any building permit. The Board shall notify the developer in writing of its decision and shall set forth therein its reason for approval or denial. In no event may the Township provide a credit that is greater than the applicable impact fee. In the case of phased development, when the amount of the credit is calculated to be greater than the amount the impact fee due for the first phase of development, the new development may utilize such excess credit toward the impact fees imposed another building permits in future phases of new development on the same site.

3. The Township may provide a credit against impact fees for the value of any construction projects that are not contained in the adopted Transportation Capital Improvements Plan which are performed at the traffic generator's expense, if all of the following conditions are met:
 - A. The applicant has provided written consent to a credit of its collected impact fees for specific transportation projects which are not included in the Transportation Capital Improvements Plan.
 - B. The alternative transportation project, whether highway or multi-modal, has as its purpose the reduction of traffic congestion or the removal of vehicle trips from the roadway network.
 - C. The Township amends its Transportation Capital Improvements Plan components required by §504-A(e)(1)(vi) of the Municipalities Planning Code, 53 P.S. §10504-A(e)(1)(vi) to provide replacement of the credited impact fees transferred to transportation projects outside the approved Transportation Capital Improvements Plan from source other than impact fees or developer contributions within three years of completion of the alternative projects to which the transferred fees were applied.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §15)

§22-716. Refunds.

1. The payer of the impact fee may apply for a refund of appropriate share of any such fee and any interest earned from the date of payment if:
 - A. The Township has failed to commence any Transportation Service Area road improvements within three years of the scheduled construction date set forth in the then current Transportation Capital Improvements Plan.
 - B. The new development for which impact fees were paid is not commenced prior to the expiration of a building permit issued for the new development within the time limits established by applicable building codes; or the project for which a building permit has been issued has been altered resulting in a decrease in the amount of the impact fee due.
 - C. If upon completion of any road improvements project the actual expenditures are less than 95% of the costs allocable to fee paid within the Transportation Service Area in which the road improvement was adopted, the municipality shall refund to the payer the pro-rata difference between the budgeted costs and the actual expenditures, including interest from the date of payment.

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- D. In the event that the Township terminates or completes an adopted capital improvements plan for a Transportation Service Area and there remains at the time of termination or completion undispersed funds in the accounts established for that purpose, the Township shall provide written notice by certified mail to those persons who previously paid the fees which remain undispersed of the availability of said funds for refund of the person's proportionate share of the fund balance. The allocation of the refund shall be determined by generally accepted accounting practices. In the event that any of the funds remain unclaimed following one year after the notice, which shall be provided to the last known address provided by the payer of the fees to the Township, the Township shall be authorized to transfer any funds so remaining to any other fund in the Township without any further obligation to refund said funds.
2. The request for refund must be submitted to the Township Secretary in writing specifying the details and basis for the request of refund.

(Ord. 278, 9/18/1991, as added by Ord. 399A, 12/16/2004, §16)

§22-717. Regulations.

1. The Township Secretary may establish, amend, modify and revoke reasonable regulations and forms governing:
 - A. The collection, payment, crediting and refund of impact fees.
 - B. The content and methodology of traffic studies, special traffic studies.
 - C. The use of later published addition of the ITE Trip Generation manual.
 - D. The treatment of any parcel that lies both within and outside a Transportation Service Area.
 - E. Funds, sub accounts and the uses of proceeds.
 - F. The determination of the amount of trips previously attached to a developed property.
 - G. Any other matter or procedure necessary for the orderly administration of the Transportation Capital Improvements Plan or impact fees.
2. No such regulation shall modify a substantive provisions of this Part. The initial Township Secretary's regulations are attached hereto and made a part hereof as Attachment E and are hereby approved by the Board. No amendment to these regulations shall be effective until reviewed by the IFA Committee and approved by the Board by resolution.

(Ord. 278, 9/18/1991, as added by Ord. 399A, 12/16/2004, §17)

§22-718. Interpretation.

The words and phrases of this Part are to be construed in accordance with the following rules:

- A. Definitions.
 - (1) Words and phrases are to be interpreted as defined by this Part.
 - (2) Words and phrases that are not defined by this Part are to be interpreted as defined in §§107 and 502-A of the Municipalities Planning Code (MPC), 53 P.S. §§10107 and 10502-A, as amended.
 - (3) Words and phrases that are not defined in this Part or §§107 and 502-A of the MPC are to be interpreted as defined in the Township's Zoning, Land Development and Subdivision Ordinances.
 - (4) Words and phrases that are not defined in this Part, §§107 and 502-A of the MPC or in the Townships Zoning, Land Development and Subdivision Ordinances are to be given their common, ordinary dictionary meaning within the context of the sentence in which they are used.
- B. Construction. The words, phrases and provisions of this Part are not to be interpreted in a way the results in an absurd construction of the meaning, or in a way that causes one provision to contradict another.

(Ord. 278, 9/28/1991; as added by Ord. 399A, 12/16/2004, §18)

§22-719. Liberal Construction.

The provisions of this Part shall be liberally construed to effectively carry out the purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(Ord. 278, 9/18/1991; as added by Ord. 399A, 12/16/2004, §19)